

The background image is a photograph of a street intersection. A traffic light is visible, showing a red light. Below the traffic light, there is a large sign that reads "DRONES ARE PROHIBITED OVER BEACHES AND PARKS". The sign is illuminated with a bright orange light. In the background, there are trees and a hillside with houses.

**NP  
SR**

NATIONAL POLITICAL  
SCIENCE REVIEW

**VOLUME 20.1**

**DRONES ARE  
PROHIBITED  
OVER  
BEACHES  
AND  
PARKS**

**INSTITUTIONAL  
DECOLONIZATION:  
TOWARD A COMPREHENSIVE BLACK POLITICS**

**A PUBLICATION OF  
THE NATIONAL CONFERENCE OF BLACK POLITICAL SCIENTISTS**





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**TOWARD A COMPREHENSIVE BLACK POLITICS**

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## Editor's Note

The **Research Articles** in this Special Issue consider institutional structural reforms and how and whether they might make a difference in electoral outcomes, health disparities, policing and the use of surveillance technology, social welfare, legislative bill sponsorship in the legislature, and how we understand the significance of Black women and girls survival and healing, globally and cross-temporally. Federal assistance programs, health care, the legislature, and voting may still seem, for some political scientists, as structures that have little to do with the crystallized ideologies that produce manifest hatred toward Black girls and Black women (gender non-binary, cis, trans, lesbian, straight, and bi). And yet we see the stakes of policy and institutional interventions that might benefit Black women and girls show up in the handling of president Dilma Rousseff and the murder of Marielle Franco in Brazil. It is not simply that presidents may be removed when our focus is on the most disadvantaged and marginalized persons in our societies but that right wing hate speech and corruption and everyday vigilante violence is often marshaled in response to the largely “antipolitical” worlds that the poor (the actual leaders of the body politic) make, organize, and survive. It is the face of violence condensed and rationalized through political order and legitimized through political authority, what Cedric Robinson called “the terms of order,” that makes our careful and rigorous attention to institutional and structural transformation so necessary. We are modifying the scales of analysis so we can begin a journey of considering: how we understand where power emanates from; what we expect to do with power; who has power and what it is.

The lively discussion in our **Symposium** features robust engagement with the work of Mack Jones (president of the National Conference of Black Political Scientists 1970-71) by Kelly Harris, and two articles by two of our most accomplished scholars, political historian Matthew Holden (former editor of the *NPSR*, and former president of the American Political Science Association) and political theorist and voting rights litigator Alex Willingham (founding member of NCOBPS). From Mack Jones' participation in the landmark *Garner v. Louisiana*, 368 U.S. 157 (1961) Supreme Court Case defending the rights of non-violent student protest against segregation to Matthew Holden's nuanced defense and careful historiography of Isaiah T. Montgomery founder of the all-Black town of Mound Bayou, Mississippi we understand something of the incredible range of politics inside Black political communities. Harris explains how and why Mack Jones has consistently read the conditions of the present—whereby the political is used as tool of Eurocentric oppression—as demanding the necessity of epistemological transformation by Black scholars. Holden points to a context of ruthless counter-emancipation and white electoral domination that better explains accommodationism and black withdrawal from the electoral process. The context was violence and in a shameful myth-making process, Holden argues, scholars have been willing to pillory a survivor rather than understand his retreat in the face of a brutal multi-generational onslaught. Willingham's analysis of the book, *Renewing Black Intellectual History: The Ideological and Material Foundations of African American Thought*, edited by Adolph Reed and Kenneth Warren, bears returning to. Willingham demonstrates the rigorous approach to political thought about “affirmative enabling connections in communities” that has been a valued terrain for autonomous Black Political Science. In an era when black electoral victories and high-profile near misses, black mass mobilization, and black critical theory and cultural studies continue to reach their highest heights we must still wrestle

with the naked truth of institutionalized and systematic violence facing black people across the globe and those deputized to tell us “move along” as if there is, in fact “nothing to see here,” nothing to observe, nothing to understand about our distinctive “frame of reference,” to use Mack Jones prescient words. If we are to pursue the intellectual excellence that is ours by inheritance in the face of those who think us incapable of securing our emancipation, certainly we ought to be about rebellion against colonization, enslavement, containment, and pathologization that are relations of power and actual systems used to legitimize these relations of power.

Following Holden and Willingham, the **Trends** pieces take closer aim at the *peculiar institution* that has become U.S. political theory, as the oldest and most foundational feature of the largely unreconstructed political science discipline. Lisa Beard’s and Jasmine Yarish’s reflections offer complex allegories and histories that point to the limits of conventional political theory. They demonstrate that counter-emancipatory political theory has become a particularly provincial body of practice and thought. Jeanne Scheper and Tiffany Willoughby-Herard interview one of the founders of South Africa’s District Six Museum, Dr. Anwah Nagia, as he embarks on the building of a new center for human rights in the heart of Cape Town, South Africa. The launch of this center is timed alongside a messy and seemingly endless ideological attack that has ensnared Black political activist scholars and writers as ideologically diverse as U.S. Congresswoman Ilhan Omar, Angela Davis, Alice Walker, and Marc Lamont Hill. Smeared and harassed for seeing the long history of African people’s liberation as bound up with what Greg Thomas has called “Palestine...the tip of Africa” (2018) the interview captures the zeitgeist of a Black Politics which will not bow or scrape in the face of bullying campaigns. Their willingness to serve as loud and unrepentant witnesses against racial apartheid and militarism and in defense of the Palestinian people is a reminder of who we are and where we stand. Having so long been associated with subjection, and the trafficking in the human body and soul reduced to chattel, what we say about and do for liberation still matters in the world. Though ideologically diverse, and diverse in every single way imaginable, Black people still read as an irreducible and indistinguishable troublesome whole for the world. Nevertheless, we seem to continually muster the courage to distinguish between right and wrong in our singular hearts. Channon Miller’s careful examination of the abuse of Jazmin Headley, a Black mother, critiques the carceral instincts of social welfare and criminal justice, ending this section of this issue with an insight that reminds again how essential political studies of Black womanhood are to any serious work in Black politics.

Our **Book Reviews** move across environmental justice, African and African Diasporic poetics, Black women elected officials, racial wealth divide, revolutionary humanism and intersectionality, global neoliberalism and the extreme right and the ways that ideas offer us much about peace and war and living autonomous lives. Reiterating the idea that power, energy, possibility, and renewal continues to reside in unexpected places, people, and the non-human world. Asking us to turn toward what Cedric Robinson called the “ontological totality,” it appears that scholarly research continues to inspire curiosity, commitment to struggle, and a hunger for liberation.

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# RESEARCH ARTICLES

# The Impact of African American Group Size upon Institutional Structure Reforms<sup>1</sup>

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## Abstract

Although scholars have examined how electoral structures affect African American representation on city councils, the existing literature presents few answers regarding how the racial context affects attempts to modify the existing electoral structures at the local level. I address these gaps in the literature by examining broad institutional modifications, including electoral structure reform, at the local level. I demonstrate that the size of the African American population causes white political elites to attempt to alter existing electoral structures and forms of government reforms in U.S. cities. I use a nationwide survey of city managers and the United States Census to empirically test my hypotheses. I find that institutional structure reforms are more likely to be attempted in areas where a dominant majority group (whites) and a significantly sized African American group reside. I conclude that race and institutional structures continue to share a unique relationship where one factor continues to affect the other at the expense of African Americans throughout American cities.

**Keywords:** Institutional structures reform, African American group size, city council elections, forms of government, local government

## Introduction

In *Shelby County, Alabama vs. Holder* (2013), the U.S. Supreme Court ruled that section 4 of the Voting Rights Act (VRA) was unconstitutional. As a result, states that had to adhere to the section 5 or the Preclearance Act are now able to implement electoral structure and forms of government reforms that reduce descriptive and substantive representation for minority residents. Although nonpartisan reforms including political and electoral structure reform originated during the Progressive Movement, the impact of these reforms upon minority representation has extended into contemporary politics. At-large elections lower the likelihood of minorities being elected to city councils, school boards and other institutions, thus lowering their substantive representation (Davidson 1979; Davidson and Korbel 1981; Engstrom and McDonald 1981; Latimer 1979; Leal, Meier, and Martinez-Ebers 2004; Meier, Gonzalez-Juenke, Wrinkle, and Polinard 2005). In contrast, ward-based elections have been shown to increase the descriptive representation of minorities by making it easier for minority candidates to win seats on city councils and school boards (Jones 1976; Karnig 1976; Karnig and Welch 1979).

Scholarly studies also highlight the racial/ethnic ramifications of variations in the structure of local government. Bridges (1997) calls for the inclusion of racial/ethnic and class considerations when studying changes from the strong-mayor plans to the city-manager plans in the Southwest. Davidson and Fraga (1988) contend that the use of nonpartisan systems in local elections tend to benefit whites and business elites. Rocha (2007) further argues that the

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use of non-partisan systems works to prevent the formation of black-Latino electoral coalitions, thereby facilitating the election of whites. While work at the local level has consistently demonstrated that the adoption of particular electoral rules and institutions advantage certain racial/ethnic groups and disadvantage others, scholars have paid relatively little attention to how the racial context and politics changes the likelihood that institutional structures will be manipulated or altered. Put another way, while a large number of scholars study how institutional structures shape racial/ethnic politics, *relatively few scholars study how racial/ethnic politics works to shape institutional structures.*<sup>2</sup>

I answer the following research question in my analysis: how does the presence of African Americans affect attempts to change institutional structures including electoral structures or the forms of government in American cities? The size of the African American population provides clear incentives for white political leaders to pursue certain electoral structures including at-large elections or forms of government including the council-manager plan. I demonstrate that the relationship between African American group size (measured as the African American population in cities) and power is nonlinear. White elites' reactions oriented toward protecting preferences occur in cities with specific racial compositions. I apply the racial categories created by Hero and Tolbert's (1996), Tolbert and Hero (1996), Tolbert and Hero (2001) and Hero (1998) in my analysis. I make slight modifications to their categories by dividing their heterogeneous categories in two: the predominantly white, significantly-sized African American cities, and predominantly African American, significantly-sized white cities. I argue that the impact of African American group size upon efforts to modify existing government structures are seen in predominantly white, significantly-sized African American cities. In these cities, white political elites will view the African American population as a threat and will attempt to alter existing structures in order to protect their power. My data consists of the 1996, 2001, and 2006 International City Management Association (ICMA) Form of Government Survey and U.S. Census data from 1990 and 2000. The following section will discuss how institutional structures reduce descriptive and substantive representation for African Americans in U.S. cities.

### **Literature review: Institutional Structures and their adoptions**

Regarding forms of government, Progressive reformers favored commission and council-manager forms of government. Commission governments placed power in the hands of several commissioners who not only alternated serving as the mayor, but also are in charge of the daily operations of specific government departments. Council-manager systems decrease the influence of minorities by allowing the city-managers to constrain the actions of the mayor. In contrast, cities with strong mayor systems have executives that pursue the goals of their political constituencies, including racial and ethnic groups. Nonpartisan reforms include these and other forms of government hurt working class, immigrant and racial groups by reducing their level of descriptive representation and political influence (Engstrom and McDonald 1981; Latimer 1979; Leal, Martinez-Ebers, and Meier 2004; Meier, Gonzalez-Juenke, Wrinkle, and Polinard 2005). The reforms removed access to basic services, and opportunities for immigrants and racial / ethnic groups to participate in politics (Bridges 1997; Bridges and Kronick 1999; Davidson and Fraga 1988; Holli 1974). Elites felt that non-white, foreign-born groups threatened white interests and made government operations less efficient (Banfield and Wilson 1963; Bridges 1997; Bridges and Kronick 1999; Davidson and Korbel 1981). Overall, reform governments focused on the interests of their favored constituents, middle and upper class whites, at the expense of non-white, foreign born groups.

### **Electoral Structures and Descriptive Representation**

Other forms of institutional structure reform, including electoral structures, hurt representation of minority populations on city councils. Within the literature, scholars have found that at-large elections reduce the likelihood that minority candidates will win office (Davidson and Korbel 1981; Engstrom and McDonald 1981; Hajnal and Trounstine 2005 and 2010; Jones 1976; Karnig and Welch 1979 and 1982; Latimer 1979; Leal, Martinez-Ebers, and Meier 2004; Meier, Gonzalez-Juenke, Wrinkle, and Polinard 2005). Jones (1976) argues that increasing the number of ward-based elections will increase the number of African Americans elected to city councils. Karnig and Welch (1979 and 1982) confirm this finding, but argue that ward-based elections only increase the number of African American men, not African American women, who are elected to city councils. At-large elections reduce the amount of Latino members on school boards reducing descriptive representation as a consequence (Hajnal and Trounstine 2005, 2010; Leal et al 2004; Meier et al 2005). Despite these results, other scholars have found evidence that African Americans can gain some representation despite the use of at-large elections (Cole 1974; Karnig and Welch 1982; MacManus 1978; Meier et al 2005).

Although at-large elections are widely cited as reducing descriptive representation for African Americans and Latinos, scholars also identify other factors that could produce the same effect. Taebel (1978) argues that at-large elections and small council sizes decrease descriptive representation for African Americans and Latinos. Engstrom and MacDonald (1981) analyze the electoral structures that are used to elect city council members and the socioeconomic conditions of African Americans and whites in the South in order to determine which factors decrease descriptive representation the most. They find that at-large elections demonstrate the strongest effect. Karnig (1976 and 1979), meanwhile, cite the following factors as explanations of low African American representation in city councils: region, electoral structures and economic resources that are possessed by African Americans. Latimer (1979) finds that African American representation on city councils is determined by the existing electoral structures and by the level of organization and turnout of African American voters in these elections.

Although the existing research demonstrates that the electoral structures introduced as nonpartisan reforms clearly affect descriptive representation, scholars have not yet examined the impact of the racial context upon the incentive to adopt certain electoral and political structures. The objective of this analysis is to demonstrate that the racial context, specifically the African American population, provides a clear incentive for white political leaders in cities to pursue certain institutional structures including at-large elections or council-manager plans. I will demonstrate that modifications of existing institutional structures no longer occur due to “good governance” justifications that were promoted during the Progressive Movement.

### **Racial Threat Hypothesis**

Notable scholarship on the racial threat hypothesis has found that the size of the African American population threatens whites’ socioeconomic status and political power in the South (Blalock 1967; Giles and Buckner 1993; Key 1949). Key (1949) and Blalock (1967) find that whites living in areas with small concentrations of African American will not pursue discriminatory policies targeting this group; however, discriminatory policies will be supported by whites living in areas where the African American population is large. In the latter, the sense of threat caused the political elites to pursue policies that limited the potential political influence and power of the African American population. Not only does the increasing presence



of African Americans in an area lead to discriminatory policies, but scholars have also found evidence that it leads to the election of non-minority friendly political elites (Giles and Buckner 1993). The sense of threat has also been shown to translate into negative policy positions and attitudes toward African Americans and Latinos (Tatalovich 1995; Tolbert and Grummel 2003).

Throughout these analyses, racial diversity is primarily measured as the percentage of the total population that is African American. Over time, scholars have demonstrated that the effect of racial threat is conditioned by region, levels of political efficacy and socioeconomic status (Giles 1977; Giles and Evans 1985). There is some evidence that the relationship between percent black and levels of hostility toward African Americans among whites is more pronounced in the south compared to other regions (Giles 1977; Giles and Evans 1985). Giles (1977) and Giles and Evans (1985) argue that the southern subculture promotes an environment of racial hostility toward African Americans which is not found in other regions. They argue that outside of the south, racial discrimination may result from socioeconomic differences, rather than the presence and size of the African American population. Political efficacy demonstrated a stronger impact upon perceived threat than fear of economic competition with African Americans (Giles and Evans 1985).

Although the African American population is not projected to grow at nearly the same rate as Hispanics (Colby and Ortman 2015), the distribution of where this population lives helps to explain white political elites' continuous sense of threat to their political power. Historically, African Americans not only migrated to cities, but as early as the 1920s, sought to live in the suburbs as well (Connolly 1973). Many blacks who moved to suburban areas were middle class African Americans (Connolly 1973; Farley 1970). The ongoing movement of some African Americans to the suburbs could be expected to add to white elites' fear of losing their political power. It is possible to argue that black suburbanization could create the opportunity for black residents to gain representation for a part of the city that had not previously had a black city council member. This could cause white political leaders to be concerned that their influence upon city politics could diminish. This attempt by white elites to maintain power can be seen in the challenges encountered by black suburban residents. Not only do some black suburbanites tend to live in areas with a low tax base, high taxes, but some are not able to access resources including jobs, quality education, and public services (Galster 1991; Logan and Schneider 1984; Schnieder and Logan 1982). They also encounter discriminatory zoning laws which makes it hard for some black and poor neighborhoods to advance through access to valuable resources (Wei and Knox 2014). These challenges encountered by some black suburban residents help white elites retain their political control and influence upon city government.

Another contributing factor would remain the ongoing residential segregation that not only existed in the cities, but in the suburbs as well (Connolly 1973; Galster 1991; Logan and Schneider 1984; Schneider and Logan 1982). There is evidence that African Americans and whites living among members of their own racial groups in low-income areas express more negative attitudes toward members of the opposing groups (Marschall and Stolie 2004 and 2005; Oliver and Mendelberg 2000; Oliver and Wong 2003). Residential segregation affects the full impact of the African American group size upon white sense of threat (Leighley 2001; Rocha and Espino 2009).<sup>3</sup> Overall, the racial threat hypothesis provides a distinct explanation of white attitudes. In the following section, I discuss how the racial threat hypothesis would explain where attempted reforms would occur and why the linearity assumed is problematic.



### Theoretical expectations

In the context of attempted institutional structure reform, proponents of the racial threat hypothesis would argue that the size of minority groups will increase the sense of threat to white elites' access to power, for example, city council seats, or choosing a new form of city government, which would lead to attempts to modify the existing institutional structures. However, this assumption has two significant limitations: first, it assumes that power and group sizes vary in a linear fashion. Second, it assumes that presence of African Americans elicits fear and threat among whites across all cities, thus causing them to attempt to alter the institutional structures. The racial threat hypothesis does not distinguish between racially bifurcated cities, homogenous cities and cities where whites are the predominant racial group.

I address the first limitation found in racial threat by demonstrating that the relationship between African American group size and power is nonlinear.<sup>4</sup> I address the second limitation by applying the racial diversity categories used by Hero (1998); Hero and Tolbert (1996), and Tolbert and Hero (1996 and 2001) to my analyses; homogenous cities, bifurcated cities, and heterogeneous cities. "Homogenous" areas contain a majority white population and very small minority population, "bifurcated" areas are divided between minority groups and whites, and "heterogeneous" areas contain a predominant white and "moderately sized" minority groups (Hero 1998; Hero and Tolbert 1996; Tolbert and Hero 1996 and 2001). However, I modify their categories by dividing the heterogeneous category into two additional categories: predominantly white, significantly-sized African American cities and predominantly African American, significant-sized white cities. I also include a homogenous minority category for cities where the majority racial group is African American. These modifications are beneficial for my analysis because the authors originally focused upon the impact of white diversity upon attitudes toward various policies. Distinguishing between predominantly white and predominantly minority, as well as, homogenous white and homogenous minority cities allows me to evaluate how white attitudes and actions vary as the African American population varies.

African American group size affects white preferences differently in racially bifurcated cities than it does white preferences in homogenous cities and cities where whites are the predominant racial group. In homogenous or overwhelmingly white cities, where the African American population is less than ten percent of the total population, African American group size will not cause whites to desire to change the existing institutional structures because all of the members on the city council (and other boards) will be white.<sup>5</sup> In racially bifurcated cities where the African American population is between forty and sixty percent, neither whites nor African Americans will attempt to change the existing structures due to uncertainty about the outcomes of elections. Although the preference of the white population may be to alter the existing structure or to change the form of government, not knowing if the level of support may be enough to prevent attempts to change the structures. In these cities, the city council seats will be divided evenly among the African American group and whites. The size of the African American population will have a strong effect upon the preferences of whites who are the predominant racial group and the African American population is significantly-sized, where the African American population is between ten and forty percent. In these cities, whites who feel that the African Americans living there threaten their preferences will attempt to adopt types of elections or forms of government that reduce the representation and influence of the black population. In contrast, the African Americans in that city will oppose these changes or will support the adoption of institutional structures that allow more African Americans representation. Overall, this theory confirms that the justification for altering types of elections

or forms of government continues to be highly racialized. It demonstrates that the racial context matters. African American group size produces a significant effect upon the desire to alter existing structures in certain types of cities.

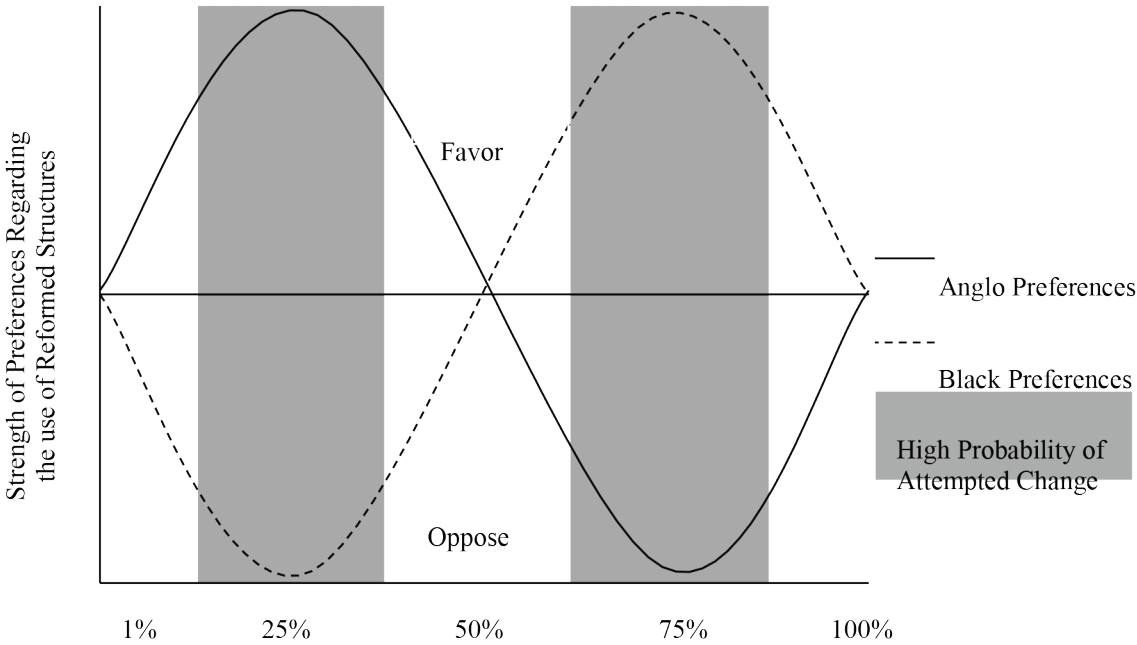
## Hypotheses

### *Attempted institutional structure change*

My theory also leads to several expectations regarding where attempted changes are expected to occur. Figure 1 summarizes my expectations regarding the relationship between racial context and attempted modifications. The figure assumes that whites will be neutral regarding the use of reformed structures, such as at-large elections or council-manager forms of government, in overwhelmingly white cities. As the size of the African American population grows, whites will become increasingly likely to support the use of these reforms, while African Americans will support the retention of existing structures including a mayor-council form of government or a ward-based system that increase their probability of achieving descriptive representation (Davidson and Korbel 1981; Engstrom and McDonald 1981; Hajnal and Trounstein 2005 and 2010; Jones 1976; Latimer 1979; Leal et al 2004; Meier et al 2005). This high level of support for reformed structures by whites and opposition by African Americans is what makes regular attempts to alter the status-quo likely regardless what structures are currently in place. In bifurcated cities, although the preferences of both groups would be such that they (respectively) favor reforms that allow for the most representation and influence for their groups, attempted modifications are expected to be less likely. When African Americans become the predominant racial group, Figure 1 suggests that they will support the adoption of reforms including at-large elections, while whites will now favor the use of unreformed institutions.<sup>6</sup> Homogenous African American cities, like homogenous white cities, are characterized by neutral attitudes regarding the use of reformed institutions, thereby limiting efforts to deviate from the status-quo.

The presence of other minority groups within a city complicates my argument in ways that I will attempt to address. Although it is possible to argue that white political elites would not only feel threatened by the presence by African Americans, but also by Latinos and Asians, several scholarly works demonstrate that whites feel ultimately most threatened by African Americans. Meier and Stewart (1991) find that whites are likely to form electoral coalitions with Latinos in areas with large Latino and Black populations, resulting in a binary dynamic. Kaufmann (2004, 205) reiterates this point, contending that “For moderate whites, Latinos are simply more attractive coalition partners...The big losers in these new political arrangements between Latinos and moderate whites have been urban blacks, who become quite dispensable to these governing regimes.” Rocha (2007) analyzes 1500 school board elections and continues to find no evidence for the notion that inter-minority coalitions occur with any degree of regularity further limiting my reservation about treating race relations in binary fashion. In the case of white and Asian interactions, scholars have found historical evidence that whites have favored Asians at the expense of African Americans (McClain, Carter, DeFrancesco Soto, Lyle, Grynaviski, Nunnally, Scotto, Kendrick, Lackey, Davenport Cotton 2006) I restrict my analysis to cities that do not contain large populations of more than two racial groups. When examining the effect of black group size, I restrict my analysis to cities where the Asian and Latino population is under 10%.

**Figure 1: Predicting Attempted Institutional Structure Reform**  
**(African American population listed along the x-axis)**



H1: Few attempts to change existing institutional structures will occur in cities with homogenous white populations.

H2: More attempts to change institutional structures will occur in cities with predominantly white, significantly-sized African American populations.

H3: Few attempts to change existing institutional structures will occur in racially bifurcated cities.

H4: More attempts to change institutional structures will occur in cities with predominantly African American, significantly-sized white populations.

H5: Few attempts to change institutional structures will occur in cities with homogenous African American populations.

### **Data and Methods**

#### *International City Management Association Form of Government Survey (ICMA FOG)*

I use the International City Management Association Form of Government Survey (ICMA FOG). This survey consists of a questionnaire that is sent to city government officials every five years. It is mailed to city clerks in cities with a population of at least 2,500 residents. The ICMA FOG has been compiling this data for more than thirty years. On average, the response rate is sixty percent. This survey is ideal because it provides information about forms of government as well as election systems, recall / referendum provisions, term limits, and characteristics about local governments. The section of interest includes a question if attempts to change the institutional structures had occurred since the survey was last received. I use a pooled dataset of ICMA FOG questionnaires from 1996, 2001, and 2006 which results in 7,000 cases. The response period for the three surveys varied between “as soon as possible” (1996 ICMA) to 3 weeks (2001) and six months (2006). I also include data from the 1990 and 2000 Census for all of the cities in the ICMA FOG.

The ICMA FOG allows me to analyze how African American group size affects the attempted reforms at the aggregate-level. In the ICMA FOG model, I use a logistic regression to predict whether a community attempted to alter its method of conducting city elections or form of government in the last five years. My focus is on proposed or attempted changes rather than successful modifications because my hypotheses argue that diversity creates incentives for change, not necessarily that those initiatives will ultimately succeed. Attempted change is a relatively infrequent event, occurring in slightly over 10% of the city-years included in my data.

### **Variables**

#### *Dependent Variable*

The dependent variable for my analysis is attempted modifications to existing institutions. The 1996, 2001, and 2006 ICMA FOG included the following question: “Since January 1, 1991 [1996 on the 2001 survey and 2001 on the 2006 survey], have there been any attempts to change your municipality’s structure or form of government (i.e. a change from at-large to ward or district elections, elimination or addition of CAO, etc)?” Participants were given two response options; 1 “No” and 2 “Yes”. I recoded it in order for 0 to correspond with “No” and 1 “Yes”. Attempted change is a relatively infrequent event, occurring in slightly over 8% of cities.<sup>7</sup>

### *Independent Variables*

The modal number of elected council seats within a city is 5. Thus, a typical ward would contain 20% of a city's population and 10% of the population would be needed in order to win a seat on the council. Scholars have found evidence that racial diversity has some influence upon representation and the type of elections that are used to elect city councilmembers. Taebel (1978) finds that increases in African American population size increased representation inequity on city councils for African Americans. Engstrom and McDonald (1981 and 1982) confirm Taebel's conclusion when they find that at-large elections hurt African American representation on city councils once their total population in a city reaches ten percent. Latimer (1979) and Karnig and Welch (1982) find that at-large elections do not hurt African American representation once African Americans become the majority in a city. For my analyses, I classify cities as homogenous white if the African American population is under ten percent. Cities are categorized as being predominantly white, but having a significantly-sized African American population are cities with an African American population between ten and forty percent. Racially bifurcated cities are those with an African American population between forty and sixty percent. Cities categorized as being predominantly African American, but having a significantly-sized white population contain an African American population between sixty percent and ninety percent. Homogenous African American cities are those with an African American population that is greater than ninety percent.

### *Control variables*

In addition to collecting data on attempted modifications, the ICMA FOG also collects information regarding existing electoral and governing institutions, allowing me to control for the structures which are already in place within a city. I control for various types of "reformed" institutions, including the use of partisan elections, the percentage of council members who are elected at-large, and the presence of a council manager system.<sup>8</sup> Previous research finds that at-large elections hurt representation for African Americans and Latinos on city councils (Engstrom and McDonald 1981 and 1982; Jones 1976; Karnig 1974; Karnig and Welch 1979 and 1982; Latimer 1979; Robinson and Dye 1978). The use of nonpartisan elections has been shown to hurt the political influence and representation of minorities (Banfield and Wilson 1963; Davidson and Fraga 1988; Lineberry and Fowler 1967; Robinson and Dye 1978). Davidson and Korbel (1981) find that council-manager plans and commission forms of government were linked with the use of at-large elections in the south and southwest, which contributed to underrepresentation of African Americans and Latinos in those regions.

Attempts to modify existing institutional structures may be lower in cities with competitive elections. Therefore, I control for the percentage of incumbents who sought and won reelection to the city council in the previous election. Scholars have found conflicting results regarding the impact of the size of a city's population. Some scholars argue that larger cities may contain more residents who have higher socioeconomic status levels who are willing to vote for African American city councilmembers (Engstrom and McDonald 1981). Others argue that this effect is seen in smaller cities (Cole 1974; MacManus 1978). Larger cities may be more likely to produce frequent attempts at institutional reform, since larger populations may result in the presence of more organizations seeking to alter the distribution of political power at the local level. Previous works also indicate that structures tend to have distinctive impacts in different regions (Dye and MacManus 1976; Engstrom and McDonald 1982; Karnig 1976; Mladenka 1989; Robinson and Dye 1978); therefore, I insert a regional control for the south when looking at cities of varying black group size.<sup>9</sup>

## Results

<b>Table 1: The impact of African American group size upon attempts to alter existing electoral structures</b>	
	b/se
<u>Type of City</u>	
Predominantly Anglo, significant African American	0.345**
	(0.130)
Racially bifurcated	0.140
	(0.205)
Predominantly African American, significant Anglo	0.743**
	(0.313)
Homogenous African American	0.979*
	(0.518)
<u>Control variables</u>	
Competitiveness	-0.658**
	(0.147)
% seats elected at-large	-0.246**
	(0.097)
Partisan elections	-0.329**
	(0.098)
Council manager plan	-0.006
	(0.080)
Population size	0.000**
	(0.000)
South	-0.401**
	(0.107)
2001	-0.399**
	(0.088)
2006	-0.605**
	(0.105)
Constant	-1.023**
`	(0.168)
Number of observations	7123.000
LR P <sup>2</sup>	101.78

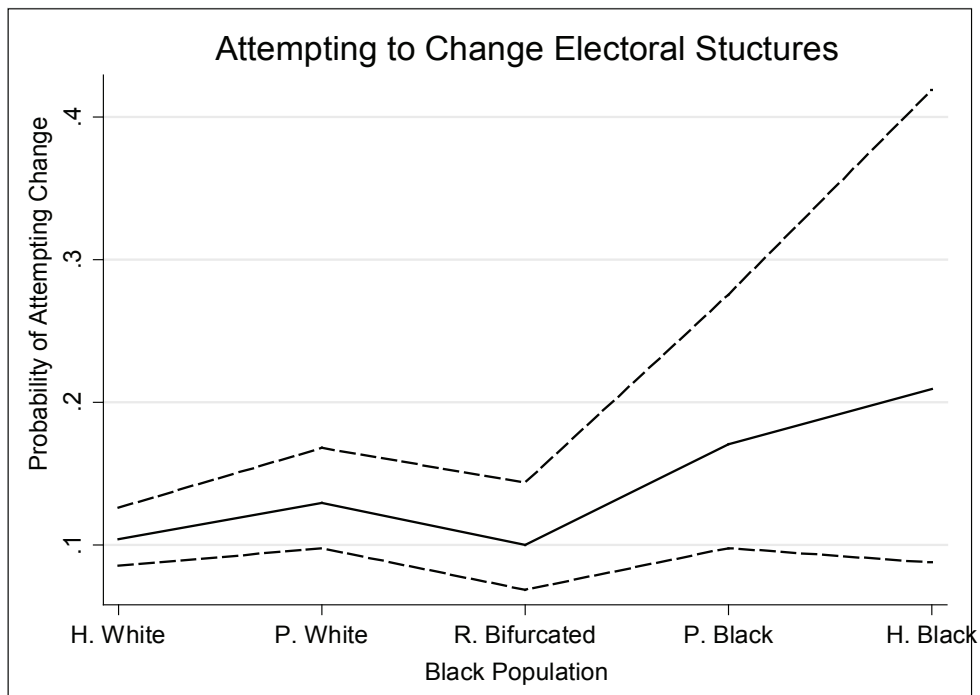
Source: ICMA FOG Survey (1996, 2001, and 2006) and US Census (1990 and 2000).  $p < **.05$   
 \*.10. Logistic regression. Standard errors in parenthesis.

The results presented in Table 1 offer support for my argument regarding the relationship between racial context and the attempted modification of institutions, at least when looking at the effect of African American group size. Cities containing a significant (numerical) African American population are more likely to see attempted modifications than are racially homogenous or bifurcated cities.<sup>10</sup> This is also true of cities where the African American population is predominant and the white population is significantly-sized. This particular result may be due to there being some evidence that African Americans can win at-large elections once they are the majority of the total population in a city (Cole 1974; Karnig and Welch 1982; Latimer 1979; MacManus 1978; Meier et al 2005).

I also find that cities with highly competitive elections experience less attempted modifications. A high level of turnover among elected officials offers the possibility of different coalitions achieving electoral success within the current structure. Attempted modifications are also less likely to occur in cities employing at-large and partisan elections, while the use of a council-manager system has no effect. Thus, it does not appear that reformed institutions are more or less likely to produce calls for modification. Surprisingly, attempted modifications are less likely to occur in southern cities. This may be a result of having to adhere (prior to June 2013) to section 5 of the Voting Rights Act as well as court cases that reversed attempts to implement reforms that reduced the representation and political influence of minority groups. In line with my expectations, attempted structural changes occur more frequently in larger cities, possibly because urban areas have a greater organizational capacity.

Figure 2 displays the predicted probabilities for the impact of African American group size upon the attempts to change existing institutional structures. Holding all other variables at their mean or modal levels, the probability of a homogeneous white city seeing a call for some form of structural reform is .12. In predominantly white cities with a significantly-sized African American minority, that probability grows to .16. In racially bifurcated cities, the probability falls to .10. In predominantly African American, significantly-sized white cities, the probability increases to .18. Finally, the probability of attempted reform in homogenous African American cities is .22.



**Figure 2: Predicted Probabilities for Attempted Electoral Structure Reform**

Source: ICMA FOG (1996, 2001, and 2006) and U.S. Census (1990 and 2000). 95% confidence interval displayed by dashed lines

### Conclusions

Why do local governments change electoral and governing institutions? Frederickson, Johnson and Wood (2003) and others argue that many changes can largely be explained on the basis of technocratic and politically-neutral criteria. Yet, a number of works find that progressive-style attempts to depoliticize local governance simply redistribute benefits in ways that typically advantage privileged groups, such as whites/caucasians, while limiting the political influence of racial/ethnic minorities (Davidson and Fraga 1988; Meier, Stewart, and England 1989; Rocha 2007). I am similarly skeptical about the contention that changes to the institutional structure of local governance are race-neutral.

In their analysis of several prominent works within the field of American political development, King and Smith (2005) argue that scholarship within political science often suffers from an inattention to the “unseen” impacts of race on politics. Similarly, Hero (1998) argues for a racial/ethnic interpretation of politics at the sub-national level. My argument is not that institutional structure changes are solely the product of racial/ethnic politics. However, one can draw significant links between racial/ethnic conflicts and attempts to modify local governance which scholars need to recognize.

The importance of racial/ethnic cleavages are regularly recognized at other points in the policymaking process, such as policy adoption (Canon 1993; Haynie 2001; Lublin 1997; Owens 2005; Preuhs 2006), implementation (Hindera 1993a, 1993b; Meier 1993; Selden

1997), and even the formation of policy preferences (Hood and Morris 1997; Rocha and Espino 2009; Welch, Sigelman, Bledsoe, and Combs 2001). Moreover, electoral rules are regularly emphasized by scholars because of their impact on different racial/ethnic groups. What remains deemphasized is the role of diversity in shaping institutional structures.

My findings show that rather than being a product of electoral institutions, racial/ethnic politics works to shape the rules and structures that are in place in urban areas across the United States. While homogenous contexts are unlikely to be characterized by regular attempts to modify institutions, cities where whites are numerically dominant but where there also resides a significantly-sized African American population are the most likely to experience reform efforts.

The effect of racial/ethnic context on regular attempts to change existing institutional structures is an understated theme within the literature. This piece is a small attempt to remedy this void in the literature. The loss of section 4 in the Voting Rights Act makes it likely that white political elites will increasingly attempt to alter institutions including types of elections, government structures, and voting laws in order to protect their current levels of power.

As I continue to work on this project, I will attempt to address the following areas. First, due to data limitations, I was not able to test the impact of African American group size upon specific electoral structure reforms, specifically attempts to alter existing ward-based elections to at-large elections. As noted in the endnotes, the 2006 ICMA FOG allowed respondents to indicate if an attempt to modify from ward-based elections to at-large elections occurred. However, only 23 cases were available. Therefore, I will look for the 2011 ICMA FOG in an effort to merge the datasets with the hope of gaining a larger sample.<sup>11</sup>

Second, another component to examine as I continue this research is to find the partisanship of the cities in the sample. The ICMA FOG has not asked city managers to identify the partisanship of elected officials. If this information were included it would be expected that Republican officials would be more likely to attempt to alter existing electoral structures in an effort to reduce the likelihood of representation of minority group interests (Adrian (1952; Welch and Bledsoe 1986).

## Notes

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2. One significant exception is a study conducted by Dye and MacManus (1976) that found percent foreign-born in a community was the best predictor of governmental structures.
3. Some scholars have found that socioeconomic factors provide stronger explanations for white attitudes than racial threat. Shafer and Johnston (2006) argue that the primary cause of Republican realignment was evolving economic conditions.
4. Within the existing literature, racial diversity is primarily measured as the percentage of the total population that is African American. I continue to use this measurement in

my analyses. The continuous level of tensions between minority groups including African Americans and white-dominated institutions reinforces that the presence of minorities in cities matter to perceptions of threats to power held by some white elites.

5. In my analyses of African American group size, I choose to examine cities where African American populations are at least ten percent of the total population. Previous scholars who have examined how at-large elections affect minority representation on city councils chose to restrict their analyses to cities where the African American population was between five (Jones 1976; Welch 1990), ten (Dye and Renick 1981; Karnig and Welch 1982) and fifteen (Karnig 1976; Robinson and Dye 1978) percent of the total population.
6. Some evidence shows that African Americans can win at-large elections if they live in areas where they are the majority population and they have electoral support from some whites (Davidson and Korbel 1981; Kramer 1971; Latimer 1979; Welch 1990)
7. A limitation of previous versions of the ICMA MFOG surveys (including from 1996 and 2001) is that they did not include questions about if attempts had been made to change existing ward-based elections to at-large elections. This question is only featured on the 2006 version of the survey. Only 23 cases indicate that this change was proposed. This attempted change was not approved in 39.1% (9) of the cities included in the survey. 47.8% (11) of city clerks report that this attempted change was approved. Thus, my analyses only focus on if a change had been attempted, but not the type of attempted change.
8. Partisan elections and council-manager plan variables are dichotomous variables. Out of the pooled sample, 2,530 cities use partisan elections. Council-manage plans were used in 6,322 cities.
9. The largest city in my sample had a population of approximately 3.7 million people.
10. Approximately 80% of the cities in the ICMA FOG data are classified as homogenous white. Including the relatively small number of homogenous black cities in the reference category does not substantively change the results.
11. I found the 2011 questionnaire with the results included. The PDF shows that there are 50 cases where city governments attempted to adopt at-large elections. At this time, I am finding information about how to purchase the dataset.

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## Times Taxes<sup>1</sup> and Voting Queues: The Voting Rights Act after *Shelby County, Alabama v. Holder* (2013)

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### Abstract

The United States Supreme Court effectively dismantled the pre-clearance provision of the Voting Rights Act in *Shelby County, AL v. Holder* (2013). The majority asserts that “times have changed” and the relevant provisions of the VRA are now obsolete. This paper examines whether dismantling preclearance adversely affects how long racial and ethnic voters must wait to vote. The results show that the VRA reduces the time minority voters waited in line by one-half in the covered jurisdictions. After preclearance is dismantled, however, that benefit vanishes. Further, minority voters in covered jurisdictions continue to wait longer to vote compared to white voters and that increment reduces their turnout in small but potentially consequential amounts. We argue that dismantling Section 5 creates an environment where inconvenient voting requirements are now acceptable. Fundamentally, when citizens are not treated similarly with regard to democratic practices such as voting then the country’s democratic culture is threatened.

**Keywords:** voting rights, voting behavior, race and politics, election administration

*... , things have changed dramatically. Shelby County contends that the preclearance requirement, even without regard to its disparate coverage, is now unconstitutional. Its arguments have a good deal of force. In the covered jurisdictions, “[v]oter turnout and registration rates now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels. . . .”*

*At the same time, voting discrimination still exists; no one doubts that. The question is whether the Act’s extraordinary measures, including its disparate treatment of the States, continue to satisfy constitutional requirements. As we put it a short time ago, “the Act imposes current burdens and must be justified by current needs.”*

*Chief Justice John Roberts, Shelby County, AL v. Holder (2013)*

*“Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”*

*Justice Ruth Bader Ginsberg, Shelby County, AL v. Holder (2013)*

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## Introduction

James Madison reassures the public that democracy is protected through the exchanges emerging naturally from a broad republic because it enlarges the number of policy concerns demanded by the public thereby forcing elites to compromise these diverse interests rather than succumb to the passions of factions. (*Federalist 10*). Guaranteeing broadly inclusive political participation then seems essential to protect the character of democratic government. Political institutions alone though do not necessarily ensure democracy. A commitment to democratic values, ideals, and practices by citizens and officials contribute to stable democratic government (Dahl 1998). A democratic political culture must recognize that all citizens should be treated similarly when exercising their democratic rights such as voting. This paper argues that the election environment following the Supreme Court's decision in *Shelby County, AL v. Holder* (2013) reduces the opportunities for Madison's call for diverse participation that leads to an enlarged public view. More importantly, the Shelby decision creates an environment in certain jurisdictions that tolerates election day obstacles thereby threatening democratic culture.

Underlying the logic of the majority opinion in *Shelby County* is that the intrusive tools used in the Voting Rights Act (also VRA) to root out discriminatory voting practices are no longer needed. In fact, it is due to the Voting Rights Act's success that its coverage formula in Section 4(b) is unnecessary. Registration rates for African Americans are virtually equal to those of the white population and minority elected officials are in assemblies at all levels of government. The problem is that this very success leads to the majority decision that the expansive reach of the VRA no longer is justified.

Indeed, Justice Ginsberg in dissent argues that the advances of minority voters and representatives would be threatened by the elimination of Section 4(b). The deterrent effect and oversight are still needed because some jurisdictions continue to attempt to dilute minority voter strength (Kousser 2015; Lopez 2014; Greenbaum, et. al. 2015). Between January 1995 and June 2014, more than 300 lawsuits or Department of Justice administrative determinations led to the rejection, abandonment, or modification of proposed changes to voting practices. Of those 300 plus actions, there were 113 denials of proposed voting changes in 15 states using preclearance (National Commission on Voting Rights 2014).

The benefits of the VRA also extend to the type of representation provided by members of Congress. Congresspersons from covered jurisdictions are more supportive of civil rights legislation compared to legislators representing non-covered districts (Schuit and Rogowski 2017). Further, there is evidence that racial polarization has increased in the covered jurisdictions over the past decade thereby calling for the continuance of the VRA (Ansolabehere 2009; Ansolabehere, Persily, and Stewart 2010).

We apply what we know about the determinants of participation from voting theory with whether election-day obstacles continue to exist in VRA covered jurisdictions. Present-day discrimination is frequently subtle and nuanced. It can take the form of seemingly neutral policies yet they can exert a consequential negative impact. Further, relatively minimal inconveniences to voting can reduce the likelihood to participate—particularly among low-propensity voters (Verba, Schlozman, Brady, Nie 1993; Leighly and Nagler 2014). Has the *Shelby* decision changed the participatory environment in measurable ways? One possible metric that can be used to assess irregularities is the length of time citizens must wait to vote. We find that the pre-clearance provisions reduced the length of time minority citizens waited to vote in covered jurisdictions, but in the post-*Shelby* era those benefits disappear.

### The Significance of *Shelby County v. Holder*

The Voting Rights Act of 1965 is one of the most momentous and far-reaching civil rights policies of the last century. By prohibiting massive discrimination in voting by states and local jurisdictions with a history of voter exclusion it transformed the political landscape in the South, and then later in other parts of the United States through its extension to include language minorities. For example, between 1965 and 1985 the disparity between white and black registration rates in covered jurisdictions declined from 30% to 8% (Brennan Center for Justice 2018), and the number of African American elected officials serving in public office in the original six states covered by the Voting Rights Act increased from 345 in 1965 to more than 3,700 in 2006—a 1000% increase (H. R. Report 2006, 18; Grofman and Handley 1991). The VRA is seen as contributing to the partisan realignment of the South where race-sensitive white voters move to the Republican Party as newly enfranchised African Americans identify with the Democratic Party (Huckfeldt and Kohfeld 1989; Black and Black 2003). It is beyond question that the Voting Rights Act changed the electoral environment and substantially shaped politics for the last fifty years.

Why is the decision in *Shelby County v. Holder* consequential? In order to understand the significance of the Court's decision it is necessary to understand how Sections 4 and 5 of the Voting Rights Act operated. The Congressional authors of the VRA designed a flexible and powerful policy that can adapt to different circumstances in its effort to fight vote discrimination. Section 2 affirms the Fifteenth Amendment by providing a litigative avenue for citizens to sue in a federal district court who believe they are wrongly denied their right to vote (VRA 1965 Public Law No. 89-110). Litigative strategies though are time consuming and expensive, and therefore an inadequate remedy for large-scale voter discrimination.

Sections 4(b) and 5 (Preclearance) should be understood as operating in tandem to counter the problems of broad vote denial (VRA 1965 Public Law No. 89-110). Section 4(b) specifies a formula designed to thwart widespread vote denial that is resistant to the litigative remedy available in Section 2. If less than 50% of the eligible population either voted in the 1964 presidential election or were registered in 1964 and that jurisdiction maintained a voter qualification device such as a literacy test then the mechanism is *triggered*. The coverage formula though has not been updated since the 1975 Amendment to the VRA when Congress added language minorities as a protected class which increased the number of covered jurisdictions subject to preclearance. Since 1975, the coverage formula relies on data from the 1968 and 1972 presidential elections (VRA 1965 as amended in 1975, Sec. 202 and Sec. 203). Once the Section 4(b) formula is triggered then that jurisdiction is now automatically covered and its voting arrangements are suspended. Section 5 requires that any covered jurisdiction must submit proposed changes to their voting rules or structures to either the Department of Justice or the U.S. District Court in the District of Columbia for approval (U.S. Department of Justice, Civil Rights Division). Section 5—known as ‘preclearance’—is a uniquely effective provision that prevented attempts at vote dilution by covered jurisdictions. Jurisdictions, knowing that proposed changes to their voting rules must gain approval, are reluctant to suggest any alteration that would have a negative impact on minority voting. Importantly, Section 5 is meaningless without the coverage formula of Section 4(b); if a jurisdiction is not covered by the formula then changes to its election arrangements do not require prior approval.

The reach of the VRA is beyond question. After adoption in 1965 the entire states of Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, 40 counties in North

Carolina, and 5 counties in Florida violated the automatic trigger (U.S. Department of Justice, Civil Rights Division 2015). Subsequent amendments to the VRA designed to protect language minorities added Arizona, Texas, Alaska, and selected counties across the United States (United States Department of Justice 2016).

The Supreme Court decided in *Shelby County* that the Section 4(b) coverage formula is unconstitutional because it relies on data that is 40 years old. The Court only needed to strike down Section 4(b) in order to render Section 5 empty. The majority reasoned that the United States made dramatic progress removing racial barriers to voting since 1965. Further, Justice Roberts acknowledges in the majority opinion that discrimination still exists. If Congress believes that the intrusive federal remedy of preclearance is necessary then the coverage formula must be modernized to reflect contemporary conditions. Consequently, challenges to new voting rules or political structures such as adopting stricter voter identification requirements or moving from a single-member district system to at-large representation can now be challenged only through Section 2. But litigative remedies are difficult, slow, expensive, and limited in their reach. Further, the high burden of proving discriminatory intent is placed on the plaintiff and not the state when using Section 2. A degree of transparency is lost, too. Under Section 4(b), jurisdictions' proposed changes to voting procedures must be announced and reviewed by a third party.

After *Shelby*, formerly covered jurisdictions no longer need to report their voting changes to the Department of Justice or the District Court. Almost immediately after the Court announced its decision several previously covered states including Texas, Alabama, and North Carolina declared plans to adopt new stricter voter identification laws (Brennan Center for Justice 2014). In North Carolina, for example, the legislature enacted an election reform package which required changes to the state's voting procedures. The Fourth Circuit enjoined the proposed election law modifications finding that they targeted African American voters (Harvard Law Review 2017). Nor is there clear evidence that the elections of Barack Obama in 2008 and 2012 demonstrated that the United States is now a 'post-racial' society across all states—there is persistent evidence of racially polarized voting, especially in the covered jurisdictions. "There can be no question that the gap in vote preferences between white and minority voters is larger in the covered than the noncovered states" (Ansolabehere, Persily, and Stewart 2010, 6; see also Kimball 2013, 8). In short, the decision in *Shelby County* fundamentally changes the environment for voting procedures in states.

### **Voter Participation and Election Administration**

Rational theories of political participation are often seen as inadequately explaining why citizens vote (Achen and Bartels 2016; Blais and Young 1999). However, they do offer a useful insight into evaluating the effects of obstacles experienced by voters on election day. Rational models rest on the basic assumption that citizens vote when they recognize their perceived net benefits from participating exceed the net costs they incur from abstaining (Downs 1957; Rosenstone and Hansen 2003). Citizens can calculate their expected utility in numerous ways. They can estimate their perceived material benefit by comparing the policies of parties and candidates. More likely voters are motivated by a diverse set of psychological factors such as fulfilling their civic duty through voting, heeding the encouragement of family, friends, and co-workers, or responding to pleas by party contacts. The 'costs' associated with participating are numerous and diverse, too. These can range from the difficulty connected to registration, monetary loss due to missing hours at one's job, or the bother of waiting in line on election day

are real costs incurred by citizens.

A cost associated with voting does not need to be high in order to deter someone from participating. This can be understood from the *paradox of voting* (Blais and Young 1999). In large mass democracies it is natural that any individual will understand their single vote infinitesimally determines the outcome of an election. An individual may conclude s/he benefits from a particular party's candidate but believing their single vote will decide the election is another matter. This outlook leads many citizens to conclude that because their vote does not matter or have much impact—or at least, does not matter very much—they abstain so as to avoid incurring the direct costs of participating while still collecting any collective policy benefit. In other words, they 'free ride.' The paradox is given the trifling weight of anyone's single ballot it is remarkable that a citizen votes at all.

Nor does the participation price fall uniformly on all citizens. For some citizens a very small cost connected to voting can decrease their likelihood to participate. Generally, individuals who are poor, possess low levels of education and political efficacy, and not embedded in social networks experience the expenses connected to participating more heavily than other citizens. Racial and ethnic minorities, persons for whom English is not their first language, and the elderly are vulnerable to hurdles to voting. Hence, activists and scholars assert that lowering the inconveniences linked with voting will improve turnout because it increases the net benefit citizens receive from participating (Wolfinger and Rosenstone 1980; Rosenstone and Hansen 2003; Verba, Schlozman, Brady, Nie 1993; Riker and Ordeshook 1968).

Election administration can be another source of participation expense. These costs are commonly incurred through registration practices, convenience voting, and variations in resource allocations across precincts. The general conclusion is that strict registration identification requirements reduces minority and Democratic turnout while increasing the gap between white and minority voter participation (Hajnal, Lajevardi, Nielson 2017; GAO 2014), although Ansolobehere (2009) finds a different outcome. Early voting and mail-in ballot opportunities increase participation (Wolfinger and Rosenstone 1980; Rosenstone and Hansen 2003), especially among Democratic partisans and the elderly (Ashoke, et. al. 2016). Reducing the early voting window is projected to depress minority turnout (Herron and Smith 2012), however, other research finds that early voting depresses turnout because it reduces the excitement of election day (Burden, et. al. 2014). In 2011 the Florida legislature reduced early voting from 14 to 8 days. Importantly, the Sunday prior to the election—a day used heavily by racial and ethnic minorities who go to the polls following church services—was removed by the new early voting schedule. The expectation is that minority turnout in Florida will decline (Herron and Smith 2012).

Finally, the allocation of election-day implementation resources also is important. Turnout rises when the density of early voting sites and other precinct-level resources available to citizens increases (Fullmer 2015, Herron and Smith 2016). The implication is that making more early voting sites available to citizens reduces their cost of participating which in turn marginally improves turnout. The importance of resource allocation decisions can be seen when examining precinct congestion data from Florida (Herron and Smith 2015). Precinct closing times indicate how efficiently citizens are processed at polling stations. Less efficient precincts likely will have later closing times thereby indirectly measuring the inconvenience of voting. Herron and Smith find in their extensive sample of Florida precincts that (1) there is considerable variation in closing times across precincts, and (2) Hispanic precincts closed unusually later



than other locations.

Less is known about the effects of how long voters wait in line at their polling stations. Elora Mukherjee (2009) classifies waiting in line as a “time tax” that discourages many from voting across the United States. Mukherjee finds that the *time tax* disproportionately affects minority voters and voters in the South or those voters most at risk from participation costs. Of course, multiple factors likely influence the length of voting queues on election day. The closeness of the election, voters’ interest in the outcome, and the demographics of each precinct are related to the level of participation in communities. It is possible that notoriously long waiting lines might dissuade some voters from even trying to participate. Commonly known long queues combined with the new election environment created by the removal of the most effective voting protection in the VRA can discourage participation in the covered jurisdictions.

Considerable variation exists in the length of time voters experience across states, regions, and demographic groups (Stewart 2013). For example, voters had shorter wait times in less populous states compared to large population centers. Voters in the South waited longer than those in northern states, and nationally African American and Hispanic voters waited nearly twice as long as white voters. There is also evidence that the length of time minority voters must wait in line increases as the racial or ethnic population concentration increases in precincts. Voters in largely minority precincts wait considerably longer in line to vote—sometimes three times as long—as white voters (Pettigrew 2017). How long citizens must wait to vote offers a glimpse into the consequences of invalidating Section 4(b) of the Voting Rights Act and offers insight into the consequences of the post-*Shelby* voting rights environment in covered jurisdictions.

### Data and Method

This analysis uses data from the Cooperative Congressional Election Surveys for 2008, 2012, 2014, and 2016. The CCES<sup>2</sup> is a 50,000 plus national stratified sample survey that permits analysis of demographic subgroups within each state or groups of states. The research procedure is straightforward. The years selected create a pre-*Shelby* (2008 and 2012) and post-*Shelby* (2014 and 2016) quasi-experimental design. One might worry that the strategy includes one off-year election among presidential elections. Ideally, the design would compare 2010 to 2014, however, the question regarding length of time citizens wait to vote is not included in the earlier survey. Moreover, 2014 and 2016 are the only elections after the Court dismantled the coverage formula. We explore whether there is a change in the racial patterns of voter inconvenience before and after the *Shelby* decision. The first election following the *Shelby* decision is the 2014 off-year Congressional election. Typically, off-year elections have lower turnout and voters are strong partisans. While the point estimates for specific variables might be less precise in 2014, the tests for statistical significance for variables of interest should continue to hold. The dependent variable is question CC404, “approximately, how long did you have to wait in line to vote.” The possible responses for wait time range from (1) no wait at all, (2) less than 10 minutes, (3) 10 – 30 minutes, (4) 30 minutes to one hour, and (5) more than one hour. In order to make wait time more intuitively meaningful we convert each category to its mid-point in minutes, or (1) no wait = 0, (2) less than 10 minutes = 5, (3) 10-30 minutes = 20, (4) 30-60 minutes = 45, and (5) more than one hour = 75.<sup>3</sup>

The length of time required to vote is an inconvenience that theoretically exerts a small, disparate impact on certain types of voters. Two critical issues emerge. First, is there evidence of a disparity between the waiting times for minority voters and white voters? If

“things have changed dramatically” as asserted in the majority opinion, then only minor and random differences in wait times should exist between white and minority voters. Second, is there evidence that pre-clearance mitigated any racially-patterned effects? And the corollary is whether the benefits of preclearance—if any—disappear beginning in 2014. Hence, we are keenly interested in what happens to the interactions between racial and ethnic groups and the covered jurisdictions, before and after the *Shelby* decision. A related issue is whether increased wait time decreases the likelihood that some voters ultimately participate. Presumably, as the time required to vote increases then a small number of eligible citizens will be deterred from voting; minimally, they must accommodate the inconvenience compared to advantaged voters.

The length of time is predicted by typical demographic factors we know explain civic participation such as age, education, marital status, household income, and home ownership. Additionally, controls for factors related to citizens’ engagement in politics such as attention to the news and a constructed index variable measuring involvement and interest in campaigns and politics are included in the model. Also included in the model is a scaled variable that measures racial resentment. This allows us to test whether jurisdictions that exhibit increased levels of racial umbrage also have unusually high wait times. Finally, a series of dummy variables are created to measure the impact of race and ethnicity as well as whether a jurisdiction was originally covered by the VRA.

Primary interest is in the sign and statistical significance of the dummy variables and interactions. A positive coefficient for the covered jurisdictions indicates that waiting to vote lengthens in counties *covered* by the VRA. Similarly, positive coefficients for each racial or ethnic group indicates that they must wait in line longer compared to white voters. Next is a test for whether pre-clearance protected minorities in covered jurisdictions from the inconvenience of lengthy voting time, and what happens—if anything—following the *Shelby* decision. Accordingly, we construct interaction terms for each racial or ethnic group and whether the county is covered by the VRA. The expectation is if preclearance protected minority groups’ voting rights in covered jurisdictions then those coefficients will be negative and statistically significant indicating a reduction in the time required to participate. And if *Shelby* effectively removed those safeguards then the interaction terms will no longer be significant in the 2014 and 2016 elections.

Two equations are estimated for each election preceding and following the *Shelby* decision. The first equation establishes a baseline comparison by estimating the impact of factors on length of time required to vote for the United States. The second model re-estimates the original equation with a dichotomous variable for the jurisdictions covered by the Voting Rights Act,<sup>4</sup> thereby demonstrating whether there is a difference in vote time between covered and non-covered jurisdictions.

### **Waiting to Vote Before and After *Shelby***

Generally, African American and Latino voters wait longer to vote than white citizens. Further, voters in the non-covered jurisdictions spend less time in line than citizens in the covered jurisdictions. This is the pattern before and after the *Shelby County* decision. Overall wait times decline in 2014 and 2016, however, whites still spend the least amount of time waiting to vote compared to minority citizens.

Both models for the two elections preceding *Shelby* demonstrate the consequence of minority status in the United States for the length of time required to vote. The baseline (constant) value for whites controlling for demographic and mobilization factors ranges from



about 9 – 12 minutes—or the average white voter in the United States waits about 10 minutes to vote. Being black nearly doubles wait time. On average, African Americans report waiting an additional 8-12 minutes to vote or a total of 20 minutes. Latino wait times increase an average of 4 minutes. Nationally, race is clearly an important predictor of election day experience—members of minority groups pay a higher ‘time tax’ compared to white voters. Further, race is the single most powerful predictor of how long someone waits to vote after controlling for other factors such as demographic characteristics and level of political engagement. Educational level and owning your home marginally increase wait time as well as campaign interest and racial resentment—but only by small amounts. There is no other variable that approaches the dominance of race and ethnicity. Voters’ election day experience measured by the length of time waiting to vote reflects the continuing significance of race in American politics. See Figure 2.

Model 2 illustrates the effect of the Voting Rights Act on wait times in the covered jurisdictions. On average, living in one of the original covered states increases the length of time required to vote from 8-12 minutes. Separately, the impact of race and ethnicity continue to increase wait times in the covered jurisdictions. What is the effect of pre-clearance on wait times? As hypothesized, the interaction terms for African Americans and Latinos are negative and highly significant in the pre-*Shelby* era. In fact, the point estimates for the interaction term for African Americans reduces wait time by 4 minutes in 2008 and 8 minutes in 2012. In other words, the effect of preclearance in 2012 counters nearly 80% of the effect of being black in a covered jurisdiction. Similarly, the interaction term for Latinos is properly (negatively) signed and statistically significant; the effect of preclearance reduces wait times by about 7 minutes for Latino voters. In the pre-*Shelby* era the pre-clearance provision appears to largely mitigate the effect of race and ethnicity on the length of time required to vote in the original covered areas.

Figure 3 re-estimates the above models for the post-*Shelby* elections. Similar to the results in Figure 2, average wait time increases for members of racial and ethnic groups both models. In contrast, white voters maintain their shorter wait times on election day. However, the results for Model 2 indicate the loss of pre-clearance. There is no longer a moderating impact on wait time in the covered and expanded-coverage states. The coefficients for the interaction terms in 2014 and 2016 are now statistically insignificant; there is no diminishing effect from the combination of being a member of a racial or ethnic minority and living in a covered jurisdiction after pre-clearance is dismantled. One of the goals of the VRA is covered jurisdictions must avoid sliding backward after making progress in ensuring voting rights. Yet the covered states now appear to lose ground by continuing to exhibit a racial and ethnic effect.

Figure 4 summarizes the results by comparing wait times in 2012 and 2016 for white, African American, and Hispanic voters. Notice that in 2012—prior to the *Shelby County* decision—preclearance decreases wait times for African American and Latino voters. However, in 2016 the reduction in wait time disappears. However, it is also important to note that overall wait times declined in 2014 and 2016 for white and African American voters; the pattern is mixed for Latino voters. At the same time, while the overall pattern is declining wait time across jurisdictions in the United States minority voters still spend longer in voting queues compared to white citizens. A systematic racial pattern continues to prevail in the post-*Shelby* voting rights environment where voters are not treated similarly.

### **The Indirect Benefits of the Voting Rights Act**

The results indicate that Section 5 preclearance reduced the length of time black and Hispanic voters waited to vote but that benefit vanishes following the *Shelby*

decision. An important question is whether increased waiting times actually matters for citizens' likelihood to vote. Remember that the calculus of voting implies that small costs [inconveniences] associated with participating might be large enough to discourage some citizens from voting on election day. Relatively small reductions in participation can be consequential given winner-take-all electoral rules in the United States. Further, the effect of wait times cannot be evaluated in isolation from other inconveniences of voting. Restrictive identification requirements, purges of voters with irregular voting histories, errors on registration lists, and other costs in combination with wait time can exert small but real depressing effects on citizens' likelihood to vote. In order to gauge the effect (if any) of waiting in line we estimate a logistic function for the likelihood of either abstaining or voting (0/1) predicted by the demographic and political engagement variables used in the models. The length of time required to vote is now included as an independent variable and estimates the impact of each increasing time increment extending the wait to vote on the likelihood of voting.

Figure 5 reports the probability of voting for an average citizen who has no wait to those who waited in line for one hour in 2012 and 2016. Predictably, the relative contribution of waiting in line is quite small—once voters are waiting in line, the likelihood is that they will complete their vote despite their election day experience. However, there is a small number of individuals who apparently depart out of frustration as their wait lengthens. In fact, there is virtually no difference across white, African American, or Hispanic voters; the inconvenience of moving from no wait to standing in line for one hour reduces the likelihood to vote by about one-third of one percent prior to the *Shelby* decision. What is striking, however, is the fact that there are increases in 2016 for all groups. Clearly, these are small increments—the largest increase is for African Americans whose probability of not voting increases by 0.9% and Latino voters whose likelihood of not voting increases by 0.4%. Further, these marginal increases suggest there are broader effects in the post-*Shelby* voting environment that are not simply associated with how long one must wait in line to cast their ballot. Also while these appear as small changes they are sufficiently large to influence the outcome of competitive races. Furthermore, the effects of waiting in line should be interpreted in combination with other voting administration obstacles which collectively exert a depressing effect on turnout. Figure 6 displays the pattern for each group and consistent with voting theory the largest depressing effects are felt by African American and Latino voters.

Also noteworthy is the probability that white citizens abstain from voting increases by 0.3% in the post-*Shelby* elections. In the years immediately following the adoption of the Voting Rights Act of 1965 there was evidence that previously disenfranchised white citizens—especially in rural counties—benefited from the pro-active measures taken by local governments to encourage participation. It appears that Section 4(b) might have provided an indirect benefit to all voters by making public officials sensitive to the importance of unhindered access at the polls. Perhaps an unintended but important outcome of the *Shelby* decision is it increases the inconvenience of voting for all voters in the U.S. Perhaps one way of viewing the Voting Rights Act is that it created a uniform standard for election administration in the United States that benefitted all citizens regardless of race or ethnicity. This national standard for conducting elections appears to be lost by the *Shelby* decision. This in turn increases the likelihood of substantial variation in election administration across states and counties.

An important caveat must be recognized regarding estimating the likelihood that long wait times deters citizens from voting. The number of citizens who report waiting in line but do not vote is small. Therefore, the results should be interpreted cautiously because the outcomes

predicted by the logistic function could be attributed to classification error by a low-frequency group of respondents in a large-n survey (Ansolabehere, Luks, Schaffner 2015). The results though call for the need for greater investigation of the effects of either waiting in long lines to vote or the perception there will be a long wait to vote on participation.

### Discussion

The premise of Justice Roberts' majority opinion in *Shelby County v. Holder* is that because aggregate-level registration and turnout rates by race approached parity then the blatant intervention into states' conduct of elections triggered by Section 4(b) can no longer be justified. Yet the justices recognize that race-based discrimination in voting still occurs. One of the most serious concerns among voting rights advocates is that by dismantling Section 4(b) then Section 5 preclearance is no longer able to block or require modification of statewide voting changes that prior to *Shelby* would likely have been prohibited. Contemporary discrimination is rarely overt and perhaps is unintended in some circumstances. Latter-generation racial discrimination often is subtle and can assume a variety of forms. Hours after the Court announced the *Shelby* decision the state of Texas announced it would adopt new voter identification requirements that had been previously blocked by the Department of Justice using preclearance. Similarly, North Carolina, Mississippi, and Alabama also announced new voter identification laws (Lopez 2014).

One unanticipated result is the inconvenience of waiting in line increased for white citizens, too. The likelihood of not participating because of the inconvenience of waiting in line increases for everyone after the *Shelby* County decision. Hence, adjusting the Voting Rights Act to "current needs" might benefit from greater standardization of election administration. The impact of voting obstacles is small but nevertheless consequential. In 2016, waiting longer than 30 minutes reduced the likelihood that an average white citizen votes by an additional 0.3% and an average black citizen by 0.9%. In a political system with plurality electoral laws small reductions in the vote can determine winners and losers as evidenced by the 2016 presidential election. The results also imply that state-level practices regarding election administration are significant. The relative weakness of demographic and political engagement factors predicting the length of time required to vote compared to the power of race and ethnicity indicate that the latter continue to be powerful divisions in American society.

Minority citizens often look to the national government and the Department of Justice in particular as a protector of their fundamental rights. Dismantling preclearance effectively changes that relationship and reasonably increases anxiety among minority voters. A practical consequence of the Court's decision in *Shelby County* is that states are freer to create environments that are perceived as being either facilitating or discouraging to voters. The results above continue to show differential election day experiences largely explained by race and ethnicity; however, there are fewer remedies available to affected citizens. Robert Dahl observed, "The prospects for stable democracy in a country are improved if its citizens and leaders strongly support democratic ideas, values, and practices. The most reliable support comes when these beliefs and predispositions are embedded in the country's culture . . . . In other words, the country possesses a democratic political culture (Dahl 1998, 157)."

A surprising and disconcerting result is the racial and ethnic patterns associated with long waiting times for the entire country. This suggests that the benefits of the VRA indirectly extend to the entire United States. In fact, in some covered and uncovered jurisdictions obstacles which increase the inconvenience of voting are advancing. The Brennan Center for Justice (2017) reports that since February 2017, the legislatures in 27 states introduced bills that restrict

voting access. Many of these bills are introduced in states not originally covered by the Voting Rights Act.

An important caveat must be mentioned. The post-*Shelby* environment is examined using two elections—the only elections available since the Court decision. It is not possible to determine if a maturation process will eventually manifest itself in these communities. This calls for the need for additional research into election day experiences following the loss of preclearance.

It is difficult to directly connect the removal of Section 4(b) to racial and ethnic discrimination using only the length of time required to vote. The special election of Doug Jones to the United States Senate in Alabama is in part attributable to high African American turnout. Thus, it is possible that under the right conditions minority voting can be mobilized to decisive levels. Yet the results suggest something has meaningfully changed. The post-*Shelby* results imply an emerging environment in some states that is tolerant of increased burdens and inconveniences on voting for citizens in the United States. Perhaps in 1965 an unimagined benefit of the Voting Rights Act is it established a minimal, uniform expectation regarding voting procedures. Devolution though means that states enjoy much greater freedom to engineer voting practices and these changes will be more difficult to remove using only litigative strategies available through Section 2. The result is likely to be much greater variation in election administration that is beyond remediation.

James Madison expounded on the benefits of an enlarged public view in Federalist 10. He reasoned that we should rightly fear the power of faction. The barest of majorities is capable of pursuing its self-interest in defiance of others and the collective welfare of the nation. Prejudice and jealousy confound the dangers factions pose. As a palliative to these concerns, Madison found some measure of safety in the breadth [geographic size] of the new republic. The diverse interests necessarily included in political discussion and decision making might forge compromise among the disputing factions. Democratic government needs an enlarged public view. Providing for an enlarged public view demands that needless obstacles to voting be removed—especially if they disadvantage marginalized groups in society.

### Notes

1. The term, ‘time taxes,’ is used by Elora Mukherjee (2009).
2. The CCES survey is made available by Harvard University and MIT. The survey is administered by YouGov/Polimetrix. Half of the questionnaire consists of Common Content asked of all 50,000+ people, and half of the questionnaire consists of Team Content designed by each individual participating team and asked of a subset of 1,000 people. The questions used in this analysis are from the Common Content module. For more information see: <https://cces.gov.harvard.edu/>
3. The strategy of converting each category to its midpoint in minutes is adapted from Stephen Pettigrew (2017).
4. The original covered states are Alabama, Georgia, Mississippi, Louisiana, Virginia, 40 counties in North Carolina, and 5 counties in Florida. After 1972 Texas and Arizona and selected counties in New York, California, Michigan and South Dakota are added by the automatic triggering mechanism in the Voting Rights Act

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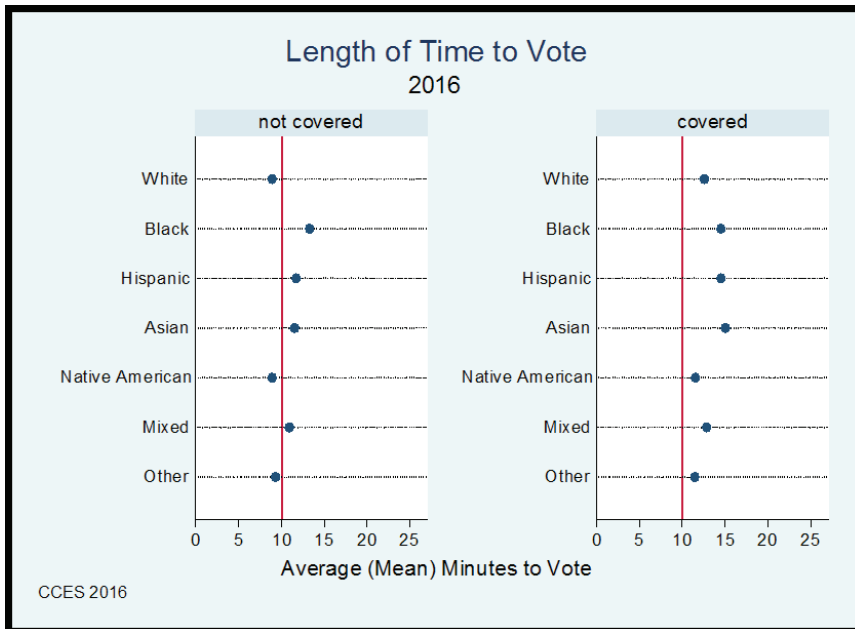
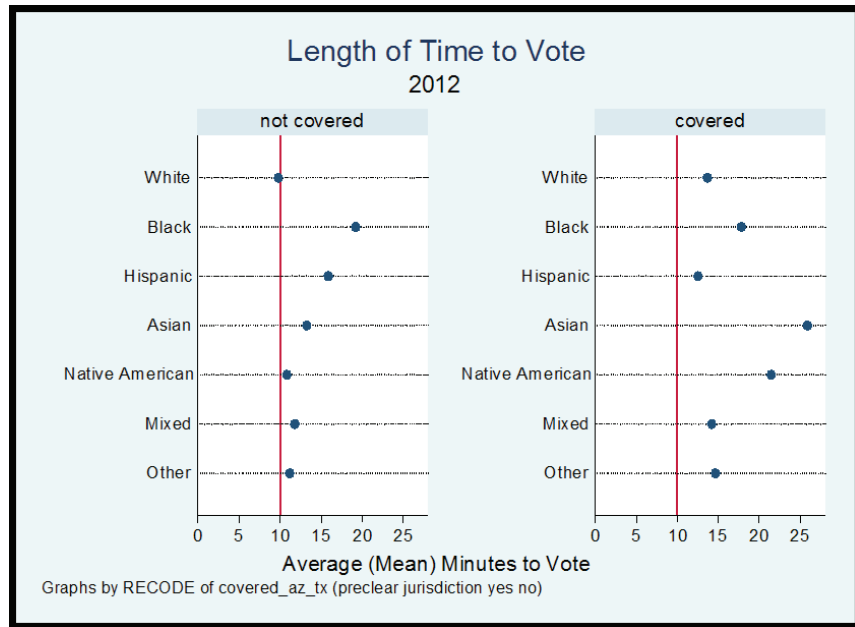
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Figure 1





**Figure 3**  
**Minutes Waiting to Vote Post-Shelby**

	2014			2016		
	<i>Model 1</i>		<i>Model 2</i>	<i>Model 1</i>		<i>Model 2</i>
	<i>United States</i>		<i>Covered Jurisdictions</i>	<i>United States</i>		<i>Covered Jurisdictions</i>
Age	-0.099***		-0.099***	-0.093***		-0.092***
Education	-0.118***		0.133***	0.322***		0.298***
Family income	-0.204**		-0.211**	0.056		0.049
Married	0.335**		0.331**	-0.274		0.262
Own home	-0.095		-0.089	-0.290		0.357*
News Interest	0.001		0.024	-0.538***		-0.495***
Party ID	-0.001		-0.021	-0.001		-0.049
(7-cat)						
Campaign interest	0.380***		373***	0.436***		0.438***
Racial resentment	0.065**		0.062**	0.091*		0.081
Dummy variables:						
Black	2.783***		2.687***	3.964***		4.061***
Hispanic	2.847***		3.286***	2.035***		1.864***
Asian	3.457***		2.862***	1.415**		1.451***
Native American	0.321		0.643	-0.367		-0.099
Mixed	0.537		0.823	1.101*		1.178*
Other	0.011		0.344	-0.387		-0.207
Covered states			-0.347			2.557***
Interactions:						
White x covered			1.566*			1.147
Black x covered			1.180			-1.18
Hispanic x covered			-0.523			0.483
Asian x covered			5.193***			1.245
Constant	8.967***		8.881***	11.707***		11.227***
R-squared	0.046		0.049	0.019		0.027
N	22,545		22,545	29,868		29,868

White is omitted category

\*  $p < .10$ , \*\*  $p < .05$ , \*\*\*  $p < .01$

**Figure 4**

**Minutes to Vote  
(Covered Jurisdictions)**

**Separate Effects in Minutes**

**Panel A**

Year	<i>White</i>	<i>Black</i>	<i>Latino</i>	<i>Covered</i>	<i>Total White</i>	<i>Total Black</i>	<i>Total Latino</i>
2008	12.6	10.2	3.6	7.1	19.7	29.9	23.3
2012	10.5	8.8	5.1	4.6	15.1	23.9	20.2
2014	8.8	2.7	3.3	0	8.8	11.5	12.1
2016	11.2	4.1	1.9	2.5	13.7	17.8	15.6

**Separate Effects in Minutes with Pre-Clearance**

**Panel B**

		<i>Pre-Clearance (black)</i>	<i>Pre-Clearance (Latino)</i>		<i>Total White</i>	<i>Total Black</i>	<i>Total Latino</i>
2008		-4	-6.5		19.7	25.9	16.8
2012		-6.2	-7.7		15.1	17.7	12.5
2014		0	0		8.8	11.5	12.1
2016		0	0		13.7	17.8	15.6

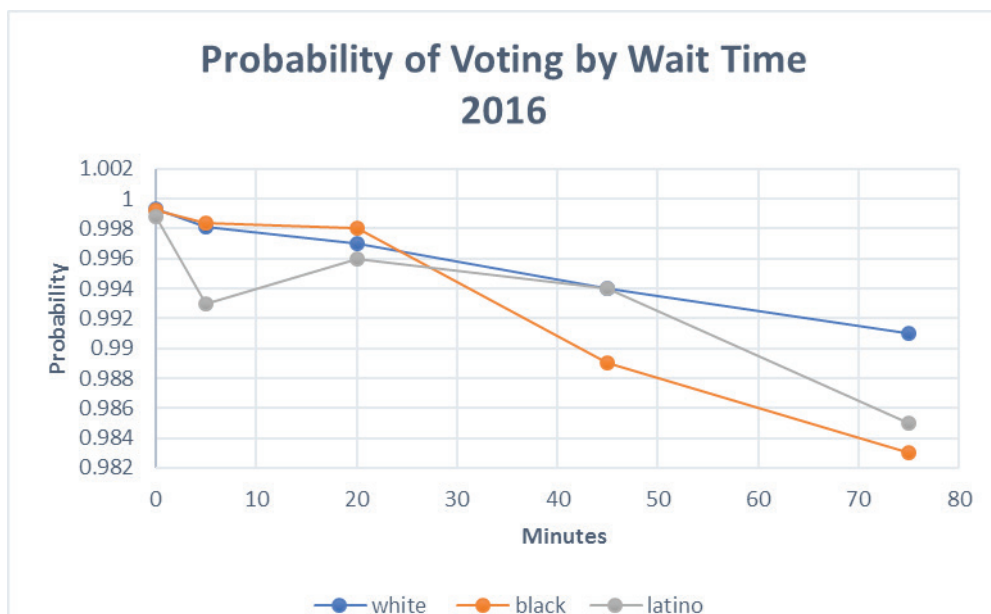
**Figure 5**

**Probability of Not Voting derived from the Length of Time Required to Vote**  
**(Interval is from “no wait at all” to “one hour”\*)**

	2012	2016
White	0.2 %	0.5 %
Black	0.2 %	1.2 %
Hispanic	0.7 %	1.1 %
All citizens	0.9 %	1.0 %

\*The probabilities were retrieved from the following logistic function for the U.S.  
 All retrieved conditional probabilities are significant at  $p < .01$

*Voted (0/1) =  $\alpha$  + age + education + family income + married + own home + investor + interest in public affairs + political engagement + racial resentment scale + partisanship + vote time + e*

**Figure 6**



## Federally Qualified Health Centers: A Civil Rights Legacy In Health Policy

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### Introduction

The U.S. is unique among modern industrialized nations in that historically, Americans have not enjoyed a right to health care. Rather, historically, health care in the U.S. has been considered and treated as a market commodity that would be sold and bought, by those who had the means of purchasing it (Starr 1982). The result of the commodification of health care in America has meant that American citizens have not enjoyed, nor much demanded, a national right to health care. Only with the passage of the Affordable Care Act of 2010 (ACA) could we argue that America might have embarked on the long journey to a shift in national consciousness to claim and embrace guaranteed access to health care as an individual, and human right. However, more than a half decade after passage of the ACA, and despite the victories embodied in the Supreme Court cases of *National Federation of Independent Businesses v. Sebelius*<sup>1</sup> and *King v. Burwell*<sup>2</sup>, the ACA remained substantially contested terrain. The *King v. Burwell* decision to uphold the provisions of subsidies to low-and middle-income purchasers of health insurance under the ACA might have helped to settle some of the more threatening questions of the constitutionality of the ACA. Most importantly, the *King v. Burwell* decision allowed the Act to continue to be implemented without further change from its original enactment. A reasonable expectation would have been that once the nation had substantial experience with the ACA, a long-term consequence of the Act might well have been a shift in national consciousness that would support the notion of a right to health care.

Not since the efforts of Theodore Roosevelt in 1912, has there been an explicit argument mounted at the national level that asserted that health care was a right of all U.S. citizens (Starr 1982; Ezekiel Emanuel 2014). However, within the first one hundred days of the Donald J. Trump Presidency in 2017, the nation was again confronting a major debate that carried an attendant undercurrent around the question of whether health care should be considered a right of U. S. citizenship. The more explicit themes of the 2017 debate pivoted around questions about the appropriate and desired role of the government in health care provision, versus a more expansive role for private sector markets. This debate was taking place around the political theme of “repeal and replacement of Obama-Care,” a promise made by Donald J. Trump during the 2016 presidential campaign. Obama-Care is the common name given to the ACA, which has been widely seen as a singular—though imperfect policy achievement of the Barack Obama Presidency. The election of Donald J. Trump as President ensured a renewed national debate over the terms of health care provision in the U.S.

Presentation and dissection of the debate over repealing and replacing the ACA is beyond the scope of this article. Rather, this article seeks to illuminate the historical origins and current scope of an important element in the national health care delivery system that is of particular relevance to eliminating persistent disparities in health care provision and outcomes that pivot around race. The focal point of this article is the rise and sustenance of community health centers and the changing policy context that has both contested and supported their persistence over nearly a half century. This article is a reflective presentation around the notion of health care as a politically derived and politically protected benefit in American society. This

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article is part policy history, and part policy analysis.

More specifically, this paper is about the sustenance of a policy idea—the idea that health care can be brought to needy minority and non-minority communities via a model that provides both access to vital primary care, and that simultaneously provides a means of community empowerment. This article is about the institutionalization of what are now formally known as Federally Qualified Health Centers (FQHCs) as vital providers of primary and preventive health care in many of America’s most needy communities. The discussion highlights the significance of varied means of policymaking via executive and legislative actions, focusing on the start of community health centers as demonstration projects that required neither the issuance of a presidential executive order, nor a direct anchoring within a legislative statute, and the somewhat intermittent legislative actions that have supported FQHCs overtime. The discussion also provides an overview of the contemporary regulatory context within which health centers are established and continue to operate.

From its anchoring in policy history, this article provides an overview of the historical rise and development of what became known as the health center movement, a policy offspring of the Civil Rights Movement. In a relatively little known component of the Civil Rights Movement for black equality, access to health care was characterized and demanded as a basic right for all citizens. The civil rights movement is generally associated with issues of public accommodations, voting rights, labor rights, integration of public schools, and the like. The issue of health care has not been widely associated with the civil rights movement. However, in places like the Mississippi Delta where health care for Blacks was virtually nonexistent, organized efforts were launched within the context of the larger civil rights movement to bring health care providers and facilities to black communities that were bereft of the most basic elements of health care. In the Mississippi Delta near Mound Bayou in Bolivar County, and on the isolated peninsula of Columbia Point, then home to a black ghetto in the city of Boston, Massachusetts, the organized movement that took on the challenge of advocating for health care as a basic right became known as “the health center movement” (Lefkowitz 2007).

### **The Historical Context of The Health Center Movement**

In a racially divided society, the historical relationship between Blacks and the health care system was one based on separation, exclusion, and often one of absolute neglect. The first nationally organized effort to provide health care for Blacks was the Freedmen’s Bureau, a bequest from the post-civil war Reconstruction government. Early efforts by the Freedmen’s Bureau to provide health care for Blacks were inadequate even at the peak of the bureau’s limited effectiveness (Rice and Jones 1994). The singular legacy of the historical Freedmen’s Bureau efforts to provide black health care was Freedmen’s Hospital, established in 1862, and renamed Howard University Hospital in 1975. Howard University Hospital stands as a monument to comprehensive excellence in hospital based health care. Historically, the black community had to provide for its own health care, and an extensive and complex system of health care providers and facilities was developed to meet the needs of the community (Morais 1967, Gamble 1995). The number of black hospitals reported to have been exclusively owned or operated by Blacks from Reconstruction to the early 1980’s ranges from 40 to 500 (Wesley 2010, Gamble 1995). The period of integration during the 1960s is credited as being a major contributor to the closure of most of the then remaining black hospitals in America (Rice and Jones 1994). In 2017, Howard University Hospital in Washington, D.C., a 145 year-old legacy of the historic Freedmen’s Bureau, stood as the last remaining black hospital in America.

During the period of legal segregation in America, health-care for Blacks was provided almost exclusively by black health care professionals. These included black physicians in solo practices and their staff nurses; a few black medical clinics—in group practices; and those services provided mainly by black professionals in segregated wings of public hospitals. Some white physicians served black patients via segregated waiting rooms, and sometimes separate facilities (Morais 1967, Beardsley 1987, Gamble 1995). The twin federal policies of Medicaid and Medicare helped to end segregation in health care as hospitals and other providers were required to desegregate as a condition for receipt of federal funds. The advent of Medicaid and Medicare did not eliminate the gaps in black health care. Historically, the scope of health care services available to Blacks was always insufficient relative to the needs of the black population. Aspects of that imbalance between black population needs and available medical services persist in the contemporary period. This gap contributes to the persistence of a wide range of health disparities that plague significant portions of the black population. The consequences of this persistent gap in access to health care are particularly acute in the area of primary care (LaViest 2005, Barr 2014).

Within the context of modern medicine, the most critical level of medical care is that of primary care, also referred to as outpatient care, or ambulatory care. Primary care is considered the first line of defense in health care and it is the locus of the maintenance of individual and population health. Aside from a relatively small number of hospital-based facilities dedicated to the delivery of primary care, this critical level of care is largely provided external to hospitals by health maintenance organizations (HMOs) and other managed care organizations; physician group practices, and a dwindling number of solo physician practices. It is the level of primary care that is the critical focus of health insurance. A strong and accessible primary care system is considered the major bulwark in the protection of the health of the population. It is at the level of primary health care that unmet health care needs, and resulting health disparities are most likely to fester. It was the struggle for primary care that linked health care to the civil rights movement, and it was around the struggle for primary care that the health center movement was built.

### **The Rise of the Community Health Center Movement**

A major contributor to the convergence of health care and civil rights was the Watts Riots of August 11-16, 1965, and the resulting McCone Commission Report of December 1965. The rioters cited the absence of health facilities in the Watts community as one of their major grievances along with community-police relations, crime, unemployment, poor educational facilities, a lack of community amenities, and poor transportation. The McCone Commission Report listed health care among a long list of urgent problems confronting the Watts neighborhood. The Report specifically cited the relative poor health of the residents including “considerably shorter life expectancies,” a high infant mortality rate; a far lower percentage of children being immunized; a “grossly inadequate” number of doctors; hospitals of “grossly inadequate” quality and too few beds (McCone Commission 1965). Health equity issues were clearly at a crisis level in the Los Angeles Watts community of the mid-1960s. As the McCone Commission report gained national attention, health care issues were placed at the center of the debate about conditions in black communities across the country.

The issue of health equity also became a salient public issue within the context of President Lyndon Johnson’s War on Poverty and Great Society initiatives. These initiatives were developed largely in response to demands from the civil rights movement. Johnson had pressed for passage of the Equal Opportunity Act of 1964 (OEA), and placed responsibility for

implementation of the EOA within the new Office of Equal Opportunity (OEO), located within the executive office of the President. The OEO was the locus of development and implementation of a host of innovative programs that constituted Johnson's War on Poverty and Great Society initiatives. It was through the execution of such War on Poverty efforts as Head Start and Job Corps, and through other developments, that the scope and reality of unattended health needs of the Black poor were brought into sharp relief. Many OEO staffers were surprised to encounter children in Head Start, and older youth in Job Corps, who had never been seen by a physician (Mickey 2012). Health care had not initially been a part of OEO's intended policy areas, but was added to the list of OEO priorities.

Historical accounts from the early days of OEO attest that two white physicians, Dr. Jack Geiger and Dr. Count Gibson, Jr. were responsible for selling the idea of "Neighborhood Health Centers" to Johnson Administration officials. Drs. Geiger and Gibson envisioned neighborhood health centers as a mechanism for addressing the health care needs and empowerment aspirations of severely deprived and medically isolated black communities. The Neighborhood Health Center concept was one that Dr. Jack Geiger had participated in and supported in rural South Africa in the 1950s (Schorr 1988). Also, since the early 1950s, members of the National Medical Association (NMA), the national organization of black physicians, had taken stands against racially exclusionary practices in health care provision. The NMA had also spoken out against the neglected medical needs of the black population, and the resulting health disparities that emerged from this neglect (McBride 1991; Dittmer 2009).

Dr. Geiger and Dr. Gibson are credited with developing the first, unsolicited funding proposal to establish two community health centers that would be built on the South Africa model (Mickey 2012). The approval and funding by OEO of the Geiger and Gibson proposal in June 1965 led to the establishing of the first, two community health centers in the War on Poverty initiative. The centers were funded as part of a demonstration project authorization of the OEO's Community Action Program (CAP). This grant funding as a demonstration project might have seemed like a particularly tenuous foundation for a project that filled such a critical community health need. However, the Community Health Center Program was sustained as a demonstration project for the first 10 years of its existence.

The first community health center was built in 1965, in a predominantly black housing project in Boston's Columbia Point neighborhood. The second community health center was built in Bolivar County Mississippi, near the small town of Mound Bayou, and became fully operational in 1967 (Ibid). An additional 6 more centers were funded through the Research and Demonstration Office of The OEO, CAP initiative. Thus was born what some would call "The Health Center Movement," and some others would refer to as "The Health Center Program." The notion of "a health center movement" captured the civil rights roots of the community health center efforts, along with the statutory requirements for community-based governance of centers.

In addition to being tasked to provide comprehensive health care, the centers were also tasked with providing training and employment services for residents who made use of the centers' services, and other residents of the local community. The health center program embodied a spirit of community activism and captured the imagination of federal officials of the LBJ administration in a time when bridging the gap between community needs and community resources was embraced as a viable notion and an appropriate role of government. The result was an idea birthed by political activists that early on became a federally funded initiative. The Health Center Program has survived for 50 years and has continued to capture the imagination

and support of succeeding presidents.

### **An Iterative Array of Policy Models**

The location of one of the first health centers in a low-income Boston neighborhood was either uniquely strategic, or an extraordinary stroke of luck for a new health care program for the poor. Perhaps the move embodied some elements of both factors. Senator Edward ‘Ted’ Kennedy became an early advocate of the health center program. Dr. Gibson and Dr. Geiger had recruited the Senator to support the Columbia Point health center in Boston. In 1966, Senator Kennedy introduced a successful amendment to the Economic Opportunity Act to set aside a sum of \$51 million to help some 30 existing health centers and to fund another 8 health centers (NACHC History, 2014. Retrieved 5/21/15).<sup>3</sup> The Health Center Program (HCP) had found a Champion. This was the first large funding package specifically appropriated for health centers. This funding helped to provide early security for the program and to establish the HCP as a competitive grants funded program. The required grant proposal process embodied the notion of “maximum feasible participation of the poor” in that successful grantees had to demonstrate a broad base of local support, and show the inclusion of local residents in center governance. The requirement of maximum feasible participation of the poor is attributed to the position of early OEO staffers who felt that their perspective should be one of “planning with, not for the people” (Lefkowitz 2007).

Although the HCP was relatively insecure in its early years, it garnered sufficient support from policy makers such that it shifted from a purely demonstration project to the more stable status of a grants funded program that survived partisan shifts in presidential leadership. This might well have been due to the continuation of OEO within the Office of the President. Its placement lent itself to bold and imaginative initiatives under successive creative OEO directors. For example, under the Nixon administration, OEO Director Donald Rumsfeld proposed the funding of a network of “eight hundred to one thousand health centers” as a means of providing health care to “tens of millions” of beneficiaries (Mickey 2012). Rumsfeld’s proposal was not adopted; OEO was eventually shifted out of the Executive Office of the President, to the Department of Health, Education and Welfare (HEW), and placed in a new Bureau of Comprehensive Health Services.

In its first decade, the CHC program evolved through several policy models – from a small demonstration project in its initial conception, to its second stage as a competitive Block Grant initiative. In its third stage, the Health Center Program became a legislatively anchored program in 1975, a mere 10 years after its somewhat tenuous initial establishment. The successful effort to provide a legislative anchoring for the health center program, rather than the more tenuous status of a discretionary demonstration program, was led by Senator Edward Kennedy. Senator Kennedy successfully authored Section 330 of the Public Health Service Act of 1975, which for the first time established the CHC program in law (PL. 94-63). Kennedy’s success came only after the House and Senate voted to override President Nixon’s veto of the Amendment. With legislative anchoring, the CHC program relied on the comparatively less tenuous process of the regular congressional budgetary process. The congressional budgetary process is one that generally funds discretionary programs for set periods of time, varying from 2-10 years. The initial funding authorization for the CHC program was for 3 years. When it came up for reauthorization in 1978, Jimmy Carter was President.

By the time of the Carter Administration, the CHC program was large enough to have formed its own lobbying arm via the National Association of Community Health Centers



(NACHC). The CHC program was now effectively an interest group. It had also taken on a growth and expansion pattern typical of many federally funded programs. By 1980, through the lobbying efforts of the NACHC and the ready appeal of health centers to elected officials at federal and state levels, there was at least one funded health center in every state. In 1980 a majority (571 or 66 percent) of the 862 funded health centers were located in rural areas (Mickey 2012). Also, what had begun in the mid 1960s as an effort to bring health centers to under-served black communities and had been sometimes labeled as “black medicine,” was no longer a black program (Sardell 1988, p.117). While enjoying impressive growth, the health center program’s vulnerability rested on its relatively tenuous financial status and in the reality that it still reached less than 10 percent of the medically underserved population (Mickey 2012, Lefkowitz 2007). However, one consequence of its “new stability” was that the CHC Program had quickly moved beyond the goal of a health center in each state, to the even more critically favorable reality of having CHCs located across all 435 congressional districts.

The availability of access to health care for populations that had been previously underserved helped drive an increase in the demand for physicians and other health care professionals. By 1975, an estimated 1 million new patients were provided primary care annually by health centers, up from 100,000 served in 1965 (Chronicles 2015)<sup>4</sup>. Advocates of the Health Center Program had anticipated the new demand for health services. Senator Kennedy had co-authored, and helped to win passage of the Emergency Health Personnel Act of 1970 (P.L. 91-623). This new law established the new National Health Services Corps (NHSC) to place health care professionals in areas of provider shortage. The Emergency Health Personnel Act also mandated specific criteria for the designation of shortage areas. The first of these designations was called “Critical Health Manpower Shortage Areas” (CHMSA). In 1972, The CHMSA Program provided incentives for physicians to provide health care in underserved communities by providing medical school loan repayment or direct scholarship assistance. The National Health Services Corps was intended by the federal government to be a proactive measure, to attempt to ensure that the required qualified medical personnel would be available to serve a growing population of persons for whom access to health care would be provided through the health center program.

### **The Standardization of Criteria for Establishing Community Health Centers**

Several developments contributed to the recognition of the need for more rigorous criteria for the placement and location of health centers. These included the growing number of community health centers; corresponding increases in the budgetary allocations to support that growth; and the apparent critical role of health centers in expanding access to health care. Following the codification of criteria for designating Critical Health Manpower Shortage Areas came the complementary codification of criteria for designation of “Medically Underserved Areas/Populations.” Medically Underserved Areas (MUAs) and Medically Underserved Populations (MUPs) designations were established in 1976, having originated in grant program provisions for Community Health Centers (CHCs) and Health Maintenance Organizations (HMOs). These became the basis of a new set of criteria for funding and locating community health centers.

The designation criteria for MUA/Ps were codified in Section 330(b)(3) of the Public Health Service Act. Section 330(b)(3) directed the Secretary of HHS to designate MUA/Ps under criteria that includes such factors as health status of the population; accessibility to health services; and availability of health professionals. Elements of these criteria (published in the



Federal Register) are converted into an Index of Medical Underservice (IMU) with a scale of 0-100, where 0 represents completely underserved and 100 represents best served or least underserved. Service areas found to have an IMU of 62.0 or less are qualified for the designation of an MUA (HRSA 2015a).

The IMU is an index that captures four major variables:

1. The ratio of primary medical care physicians per 1,000 population;
2. The infant mortality rate;
3. The percentage of the population with incomes below the poverty level, and the percentage of the population age 65 or over.

The value of each variable for the service area is converted to a weighted value (according to established criteria). The four values are summed to obtain the area's IMU score. A MUA may be comprised of a single census tract; a clustering of census tracts; an entire county or a group of contiguous counties; or other civil divisions such as towns, townships, and the like. Medically underserved populations may include groups of persons within an area of residence who face economic, cultural, or linguistic barriers to health care. As of January 2017, there were 4,219 MUA/Ps nation wide. (See Appendix A for the distribution of MUA/Ps by state).

The highest concentration of MUA/Ps is in the Southern states (Region IV), with a total of 879 MUA/Ps across the states of AL, FL, GA, KY, MS, NC, SC, and TN. Table 1 provides some insights into the presence of FQHCs relative to the number of Medically Underserved Areas/Populations, against a measure of the distribution of the African American population. The states listed in Table 1 are the top 10 states, rank ordered, in terms of the distribution of the African American population. The table may easily be read to conclude that the number of FQHCs in these 10 states is insufficient relative to the number of MUA/Ps.

**Table 1: Federally Qualified Health Centers and Medically Underserved Areas/**

<b>State</b>	<b>Population In Top Ten Black Population States</b>				
	<b><u>MUA/Ps</u></b> <b>2017</b>	<b><u>FOHCs</u></b> <b>2017</b>	<b><u>Total 2015</u></b> <b><u>Patients</u></b>	<b><u>2015 Percent Racial/</u></b> <b><u>Ethnic Minority</u></b>	<b><u>2015 % Black</u></b> <b><u>Patients</u></b>
<b>FLA</b>	128	50	1,313,406	65.3	26.6
<b>TX</b>	316	73	1,214,971	77.7	14.2
<b>NY</b>	133	57	1,907,971	72.1	34.4
<b>GA</b>	166	35	405,030	67.9	54.9
<b>CALIF</b>	213	176	4,065,289	78.0	8.2
<b>NC</b>	112	38	471,725	65.7	36.1
<b>IL</b>	176	44	1,229,655	73.7	41.7
<b>MD</b>	56	17	303,352	67.1	51.3
<b>VA</b>	119	26	286,168	50.4	34.6
<b>OH</b>	136	45	623,026	40.2	30.5
<b>U.S.</b>	4,219	1,375	24,295,946	62.4	23.0

**Source:** Health Resources Services Administration, U.S. Department of Health and Human Services. February 2017.

Similar to MUAs are Health Professional Shortage Areas, or HPSAs. The designation criteria for HPSAs were established in law in 1978 under Section 332 of the Public Health Service (PHS) Act (as amended in 1996) [P.L. 104-299]. In the designation of HPSAs, the law directs the Secretary of HHS to set the formal criteria. There are three different types of HPSA designations, each with its own designation requirements: primary care, dental, and mental health. For primary care, an HPSA designation may be for a geographic area, population group, or specific facilities. Facilities with HPSA designation may include federal and/or state correctional institution, or public/non-profit medical facilities with insufficient capacity to meet the primary care needs of a particular area or population group (HRSA 2015b).<sup>5</sup>

The criteria for HPSA designation include:

1. A rational service area that is a natural catchment area for health service delivery;
2. The area (or population) must have a population-to-primary care provider ratio of at least 3,500 to 1 (or 3,000 to 1 in areas with high need or insufficient capacity);
3. Provider resources in contiguous areas must be over utilized; more than 30 minutes travel time/distance; or otherwise inaccessible.
4. Percent of population with incomes below the poverty level; and
5. The rate of infant mortality or low birth weight.

HPSA designation may be evaluated annually, and state governors can submit a documented appeal for the designation of an HPSA. As of May 2015, there were 6,159 HRSA designated HPSAs for primary care (HRSA 2015d).<sup>6</sup> Health Professional Shortage Areas tend to overlap with Medically Underserved Areas.

Community Health Centers are the main providers of health care in Medically Underserved Areas and their presence serves to draw health professionals to these settings, thus helping to ease the health professional shortage in MUAs. The location and presence of community health centers, in turn, is largely dependent on the receipt of federal funding. The four main criteria for CHCs' receipt of federal funding are: Be located in a federally designated medically under-served area (MUA) or serve medically underserved populations (MUP);

- Provide comprehensive primary care
- Adjust charges for health services on a sliding fee schedule
- Be governed by a community board of which a majority (51%) are patients at the CHC.

When these generally objective criteria are met, what is then required to establish an FQHC is pursuit of grant funding by an individual entrepreneur or a nonprofit entity.

### **Health Center Operations and Community Impact**

A 2016 national snapshot of community health centers indicated that there were nearly 1,400 federally supported health center grantees nationwide, operating out of more than 10,400 sites with locations in every state, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific Basin, and serving 24.3 million patients annually; with 52% of centers being in urban areas, and 48% being located in rural areas (HRSA 2017). Data for 2015 indicate that health centers services were distributed and provided as follows: medical 84.9 percent; dental 21.4 percent; mental health 6.1 percent; enabling 9.8 percent; vision 2.1 percent; and substance abuse 0.5 percent (HRSA 2017). Enabling services include case management, transportation, and interpretation services that help to address language, cultural, and other barriers facing health center patient populations (Shin, et al 2015).<sup>7</sup> Table 2 provides a profile of the demographic and socio-economic characteristics of health center patients for the years 2013, 2014, and 2015.

There is little argument but that community health centers serve the poor in the communities in which they are located. In 2015, almost three-quarters of health center patients had family incomes at or below 100% of the federal poverty level. Some 92.2 percent had incomes at or below 200 percent of the poverty level. In 2015, forty-nine percent of health center patients were covered by Medicaid/CHIP; (compared to 16% of all Americans); and 24.4 percent were uninsured; down from 34.9 percent in 2013 (Shin, et al 2015). For the uninsured and those without Medicaid or Medicare coverage, FQHCs provide services on a sliding-scale fee basis based on the individual's ability to pay. This means that substantial levels of services

are provided on an uncompensated basis, or free—hence the colloquial name for FQHCs of “free clinics.” In 2013, a disproportionate number, some six in ten patients, were female. Working age adults made up the largest share—60%—of health center patients; children accounted for roughly one-third, and about 7% were seniors. More than half, 57% of health center patients, reported their race and ethnicity as people of color. (Shin, et al 2015, HRSA 2015d). See Table 3 for a 2013-2015 profile of the income and insurance coverage status of health center patients.

**Table 2: Federally Qualified Health Centers, Patient Age and Race/Ethnicity 2013-2015**

<i>Age and Race/Ethnicity</i>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b><i>Total Patients</i></b>			
Total Patients	21,726,965	22,873,243	24,295,946
<b><i>Age (% of total patients)</i></b>			
Children (< 18 years old)	31.7%	31.3%	31.2%
Adult (18 – 64)	60.9%	61.1%	60.9%
Older Adults (age 65 and over)	7.4%	7.6%	7.9%
<b><i>Patients By Race &amp; Ethnicity (% known)</i></b>			
White	42.0%	41.9%	41.4%
Racial and/or Ethnic Minority	62.3%	62.2%	62.4%
Hispanic/Latino Ethnicity	34.8%	34.9%	35.2%
Black/African American	23.8%	23.4%	23.0%
Asian	3.6%	3.8%	3.9%
American Indian/Alaska Native	1.4%	1.3%	1.3%
American Hawaiian/Other Pacific Islander	1.3%	1.2%	1.2%
More than one race	3.9%	3.7%	3.5%

**Source:** Health Resources Services Administration, U.S. Department of Health and Human Services. February 2017.

**Table 3: Federally Qualified Health Centers Patient Characteristics 2013-2015**

<i>Patient Characteristics</i>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b><i>Income Status (% of patients with known income)</i></b>			
Patients at or below 200% of poverty	92.8%	92.4%	92.2%
Patients at or below 100% of poverty	71.9%	71.2%	70.9%
<b><i>Income Status (% of patients with known income)</i></b>			
Uninsured	34.9%	27.9%	24.4%
Children Uninsured (age 0-17 years)	15.8%	14.2%	13.1%
Medicaid/CHIP <sup>2</sup>	41.5%	47.3%	49.4%
Medicare	8.4%	8.6%	8.9%
Dually Eligible (Medicare and Medicaid)	-	-	3.4%
Other Third Party	15.3%	16.3%	17.2%
<b><i>Special Populations</i></b>			
Homeless	5.2%	5.0%	4.9%
Agricultural Worker	4.0%	3.9%	3.7%
Public Housing	-	1.9%	6.2%
School Based	2.2%	2.5%	2.7%
Veterans	1.2%	1.3%	1.3%
<b><i>Gender of Patients by Age</i></b>			
<b><i>Women's Data (% of total women)</i></b>			
Women's Health (ages 15-44)	45.5%	45.3%	45.2%
Patients Under 15 Who are Female	22.8%	22.6%	22.5%
Patients 15-64 Who are Female	69.5%	69.6%	69.3%
Patients 65 and Over Who are Female	7.7%	7.9%	8.2%
<b><i>Men's Data (% of total men)</i></b>			
Men's Health (ages 15-44)	35.2%	35.4%	35.5%
Patients Under 15 Who are Male	33.2%	32.4%	32.1%
Patients 15-64 Who are Male	59.7%	60.3%	60.4%
Patients 65 and Over Who are Male	7.1%	7.3%	7.6%

**Source:** Health Resources Services Administration, U.S. Department of Health and Human Services. February 2017.

In addition to bringing vital access to health care for underserved communities, community health centers are also major employers in their communities. Thus they bring significant economic benefits to the larger communities in which they are located. In 2013, community health centers employed roughly 157,000 (FTE) staff, including over 10,700 physicians, and more than 5,100 nurse practitioners. Nationally, health center revenues for 2013 totaled \$15.9 billion. Medicaid payments accounted for the single largest source of revenue – some 40 percent, followed by some 18% in health centers grants from the Bureau of Primary

Care of HHS. Another 3% came from other federal grants, while 14% came from state, local, and private grants and contracts. Private insurance provided 10% of revenues; Medicare, 6%; and direct payments from patients provided 9% (Shin et al, 2015).

### **Health Centers and Reductions in Health Disparities**

Historically, health centers emerged out of the absence of available health care. So, it is understandable that key questions about the contributions of health centers focus on whether and to what extent they have contributed to a reduction in health disparities. Health disparities are profoundly persistent; generally resistant to rapid change, and are attributable to a complex set of interrelated causal factors (LaViest 2005). However, there is little debate that access to primary medical care, the critical benefit of health centers, at least contributes to better maintenance of health for individual patients, even if overall disparities are slow to be manifested at the group level.

However, from the early establishment of health centers, some significant positive outcomes have been evident in regard to their impacts. Early studies found evidence that health centers contributed to the decline in African American infant mortality between 1970 and 1978 (NACHC 2014). Later studies have shown an overall narrowing in disparities in regard to low birth weight babies. Community health centers are reported to consistently have infant mortality rates at least 10% lower than comparable communities not served by health centers. Health centers are reported to meet or exceed national standards for screening, diagnosing, and managing of chronic conditions such as diabetes, cardiovascular disease, asthma, depression, cancer, and HIV (NACHC 2014). Some studies have found that health centers are associated with generally reduced disparities in health care based on race and ethnicity and insured status (Shin, et al 2015). Additionally, studies have found that health centers provide better access to timely preventive services for vulnerable populations compared to typical primary care provider settings. “Despite serving some of the nation’s highest-risk, most medically vulnerable populations, health centers provide effective care” (NACHC 2014).

### **The Continuing Policy Context of Community Health Centers**

The Affordable Care Act (ACA) envisions an essential role for community health centers in the expansion of access to health care for low-income Americans. The ACA made a major investment in community health centers by establishing the Community Health Center Trust Fund that provided \$11 billion over a 5-year (2011-2015) period for the operation, expansion, and construction of health centers nationwide. Some \$9.5 billion was targeted to:

- Support ongoing health center operations.
- Create new health center sites in medically underserved areas.
- Expand preventive and primary health care services, including oral health, behavioral health, pharmacy, and/or enabling services at existing health center sites.

The remaining \$1.5 billion was designated to support major construction and renovations at community health centers nationwide. Additionally, the ACA designated \$1.5 billion in new funding for the National Health Service Corps—which particularly serves as a medical and dental provider stream of professionals for staffing health centers (HRSA 2015e).

Between 2011 and 2014, the ACA supported the funding of 550 new access points, or health center service delivery sites. (Some of the new delivery sites were opened by operators of existing health centers). On July 8, 2014, HHS announced the availability of \$100 million in ACA funding to expand access to primary care through 150 new health centers. The official



HHS press release pointed to the critical role of community health centers in helping to expand knowledge about new health insurance coverage opportunities under the ACA, and in conducting outreach and enrollment activities. New health center sites were seen as “expanded opportunities for the newly insured to receive care” (HHS Press Release, July 8, 2014).

On May 5, 2015, HHS announced the availability of an additional \$101 million in Affordable Care Act funding to establish 164 new community health centers in 33 states and two U.S. Territories. The May 5, 2015 HHS press release also announced that since 2013, health centers had assisted more than 9 million individuals to sign up for health insurance through the ACA Marketplace. (HHS Press Release May 5, 2015). Another major investment in community health centers was imbedded in the Medicare Access and CHIP Reauthorization Act (MACRA) that was signed into law on April 16, 2015. Commonly referred to as the Medicare “doc fix” law (because it stabilizes the payment for physician services under Medicare—among other provisions), MACRA extended mandatory funding for health centers for fiscal years 2016 and 2017 (HHS Press Release, May 5, 2015). More recent press releases indicate that in 2015 alone, HRSA provided funding for more than 400 new health centers that increased access to more than 1.8 million additional patients (HRSA February 2017). In December 2016, HHS announced over \$50 million in funding for 75 new health center access points in 23 states, Puerto Rico and the Federated State of Micronesia that were projected to provide health care to more than 240,000 additional patients.

With establishment of the ACA Trust fund, community health centers were more firmly woven into the fabric of American health care—continuing legal and political challenges to the ACA notwithstanding. Beginning as a small demonstration project under the War on Poverty, community health centers have become an institutionalized component of the American health care delivery system. A now

50-year rich history of community health centers has been one of expanding access to affordable primary and preventive health services to millions of uninsured and medically underserved Americans. From the earliest days of the establishment of community health centers, many advocates and supporters have looked upon the efforts to gain acceptance and support for expanding the number of centers as a social movement. Community health centers have represented a break in the traditional modes of delivery of health care, and they have constituted a major effort in outreach for elements of the medical profession. Both providers and advocates have approached community health centers with a special kind of zeal. With roots in the civil rights movement, and with a focus on the poor and low-income, the inculcation of a movement ethos in the community health center community is not a surprising result.

### **Mobilized for Advocacy**

As indicated above, the community health center (CHC) movement began to formally institutionalize early in its existence. The CHC movement was formally organized in 1971 with the formation of the National Association of Community Health Centers (NACHC). This early act of mobilization has likely been critical in both the survival of the community health center movement, and in what has been an ongoing expansion in the number of centers nationally over the years. The NACHC continues to serve as “the unified voice and common source for research, information, training and advocacy for America’s community health centers.” The mission statement of the NACHC is poignantly telling of its origins, and continued purpose: “to promote the provision of high quality, comprehensive and affordable health care that is coordinated, culturally and linguistically competent, and community directed for all medically

underserved populations.”

The inclusion of the goal of “cultural competence” in the early mission statement of the NACHC reflects a particularly sensitivity of early neighborhood health center professionals and suggests something about their deep sense of mission. In regard to health care, the concept of cultural competency places emphasis on providers being able to identify with their patients, and being able to understand the beliefs and belief systems of their patients in regard to illness and disease, healing, health, and wellness. The concept of cultural competency has been incorporated into the policy ethos of major health agencies such as the National Institute of Health (NIH). The NIH takes the position that cultural competency is critical to reducing health disparities (NIH 2015). The NACHC celebrated its 50<sup>th</sup> anniversary in the summer of 2015 with its annual conference in Orlando, Florida. The honorary 50<sup>th</sup> anniversary committee was comprised of a veritable “Who’s Who” of national and state elected officials, foundation executives, CEOs of major health care insurers, and academicians. The make-up of the leadership and body of the NACHC provide testimony to the effective institutionalization of the health center movement.

### **Into the Future: The Continuing Challenges of Access and Financing**

The network of FQHCs constitutes a national system of primary care, the most critical level of health care for the maintenance of individual and population health and wellbeing. The community health center movement has experienced considerable success in addressing the need for primary health care and in changing the abject levels of health care that prevailed in many black and low-income communities at the time of its birth. Some 50 years into their existence, community health centers are credited for their high quality of care, high level of patient satisfaction, and their gradual contribution to the elimination of health disparities. However, the national FQHC network is a system that is virtually pocked with the persistent gaps of Medically Underserved Areas/Populations, and Health Professional Shortage Areas. The number and presence of FQHCs have been sub-optimized relative to continuing health care needs of underserved populations.

The data show that FQHCs serve substantial numbers of patients, with a pattern of annual increases in the number of patients served. In 2013, FQHCs served a total of 21,726,965 patients, representing a 7.4 percent increase from the total number served in 2011. As stated above, by early 2017, health centers served more than 24.3 million patients, and employed nearly 190,000 employees. While African Americans constituted a substantial number of FQHC patients for the years 2011-2013, the data also suggest a curious pattern of slight declines in the number of African American patients (in the top 10 states in terms of black population). The rate of decline in African American FQHC patients between 2011 and 2013 totaled 5.5 percent. However, the numbers of African American patients were up again in the year 2015 (See Tables 1 and 2).

All health care systems face two major challenges: access and financing—“which are two sides of the same coin”—as it were. One dimension of access is the critical issue of providing health care facilities and health care professionals within reasonable proximity to where population groups live. The designations of medically underserved areas and Health Professional Shortage Areas capture the location and distribution of health care facilities and personnel relative to the location of population groups. The requirement that FQHCs be located in shortage areas means that health centers are likely to be found in places where they are most needed. Indeed, HRSA lists a variety of existing sites, including stationary clinics and mobile medical vans, that provide a broad range of FQHC access points (as of May 14, 2015) including:

1,386 school sites; 82 hospital sites; 56 nursing home sites; 39 domestic violence sites; and 22 correctional facility sites (HRSA 2015b)<sup>8</sup>.

The second dimension of access is financing—the challenge of how to pay for health care. This is the challenge that society seeks to address via employer-supported insurance, and eligibility for major government programs such as Medicaid, Medicare, and Veterans Administration benefits. As indicated above, Medicaid bears the greatest burden (41 percent) for financing care for health center patients. A substantial number of health center patients (35 percent) have languished in the status of the uninsured. As FQHCs are successful in their outreach efforts to enroll the uninsured under ACA coverage, the number of uninsured health center patients should decline. This point is worthy of further tracking over time.

Community health centers are credited with contributing to major savings in the national costs of health care. The NACHC reports that the total annual costs for health center patients with Medicaid coverage are \$414 less per-capita than costs for comparable patients who are served by other providers. Community Health Centers are credited with some \$6.7 billion in savings for the federal share of Medicaid—driven in part by lower utilization of costly specialty care, emergency departments, and hospitals. Health centers are said to lower Medicare spending by up to 30 percent; and are said to save some \$24 billion annually for the national health care system through effective patient care management (NACHC March 2015). A major benefit of FQHCs is that they help to address both the issue of physical proximity or population access, and financial access in regard to health care.

The community health center model continues to embody the ethos of community empowerment that characterized its origins. The health center program was birthed within the context of the civil rights movement and assigned to the CAP Program under the auspices of the Office of Economic Opportunity during the Johnson administration. The result was that the early health center demonstration program required “the maximum feasible participation” of the patients of health centers in the actual governance of health centers. That dictate has been codified in law and regulation as a requirement that 51 percent of FQHC governing boards be comprised of the patients of FQHCs. This requirement helps to ensure that FQHCs retain a certain character, and at least potentially, a certain level of accountability. In terms of its long-term viability, politically, the community health center program is well positioned with distribution of centers across every state, and center locations in every congressional district. However, like any federal program, FQHCs are vulnerable to the vagaries of the federal budgetary process, both in terms of the level of executive branch funding requests, and final congressional appropriations.

The greatest weakness of the FQHC program is its embodiment in a passive, entrepreneurial policy model. While the president may request, and congress might appropriate funds for increasing the number of FQHCs (and for addressing the maintenance and expansion needs of existing centers), nothing happens in regard to expansion of health center access points unless initiative is taken by an individual or non-profit corporate entity to launch a new FQHC. In this regard, FQHC policy might be termed a “Good Samaritan” policy. The continued efficacy of FQHCs in expanding access to quality health care for low-income populations and needy communities will require a level of community based vigilance and “other regarding” orientation for interested entrepreneurs to ensure the expansion of the FQHC program in addressing unmet health needs. Overall, the FQHC program would likely be more expansive if there were greater public awareness of its existence, benefits, and opportunities. Yet, the FQHC program stands as a legacy of civil rights successes in health policy, and as a model for successful community based health care. END.

### Notes

1. *National Federation of Independent Business v. Sibelius* was a Supreme Court case (2012) in which the Court upheld Congress's power to enact most provisions of the Patient Protection and Affordable Care Act (ACA), commonly referred to as Obama Care. Specifically, in this case the Court upheld the constitutionality of the "individual mandate" which requires individuals to purchase health insurance as an extension of Congress's power to tax. The Court ruled against the ACA requirement that states must expand Medicaid, leaving this an optional action for states.
2. *King v. Burwell* was a Supreme Court case (2015) in which the Court upheld provisions of the Patient Protection and Affordable Care Act (ACA) that extended tax credits to individuals purchasing health insurance coverage through state exchanges, independent of whether said exchanges were operated by the state, or the federal government.
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4. *Chronicles, The Community Health Center Story*. The Chronicles Project (chcchronicles.org) is a production of the Geiger Gibson Program in Community Health Policy at the George Washington University School of Public Health and Health Services. The Chronicles Project seeks to provide a history of the Health Center Movement. Retrieved May 21, 2015.
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7. Kaiser Family Foundation, 2015. "Community Health Centers: A 2013 Profile and Prospects as ACA Implementation Proceeds." An Issue Brief, prepared by Peter Shin, Jessica Sharac, Zoe Barber, Sara Rosenbaum, and Julia Paradise. Published March 17, 2015.
8. Note: Catchment/coverage areas for FQHCs might include more than one Medically Underserved Area (MUA).

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## Police Drones: Coming to a Neighborhood Near You

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### Abstract

Law enforcement agencies are obtaining drones and seeking authority to use them for surveillance. This article explores the implications for African American communities of drone surveillance by local police departments. The article examines trends in search and seizure law, militarization of the police, and practices of the police in African American neighborhoods, and concludes that these trends have laid the foundation for extensive use of police drones in African American communities. Such use would exacerbate the perception among residents that they are over-policed and would reinforce the behavior of officers who engage in racial profiling and excessive stopping and searching.

**Keywords:** search and seizure law, police militarization, police and race in cities, police and urban space

### Introduction

Drones are starting to crisscross the skies above America. Employed for military use in Afghanistan, the Middle East, and Africa, drones now are marketed for civilian use in the United States as well. Technically called “unmanned aerial vehicles” (UAV) or, including the network and personnel on the ground, “unmanned aerial systems” (UAS), drones range in size, from as small as an insect to as large as an airplane, and price, from less than fifty dollars to tens of thousands of dollars, and they can be fitted with cameras and sensors. In rural areas, they check irrigation equipment or oil pipelines. On farms and ranches, they assess crop yields, identify insect infestations, spray insecticides, track cattle herds, and spot feral hogs. In national forests, they help fight fires, manage wildlife, and search for lost hikers. Across the country, they’re employed to monitor storms and map floods. They’re used to assess property for real estate transactions and evaluate damage for insurance payouts. They’re used by journalists, commercial photographers, and movie makers. Amazon and Google are racing to refine drones to deliver packages, with Google acquiring a drone manufacturing company, and Uber is planning to deliver food. Even prisoners have tried to use drones to smuggle drugs, tobacco, and pornography into prisons.

An interest group--the Association for Unmanned Vehicle Systems International--boasts over 7000 members, representing manufacturers, government agencies, and educational institutions that promote the use of drones (Dolan and Thompson II 2013). A congressional caucus--the Unmanned Systems Caucus, with sixty members--has sprung up and allied with the manufacturers.<sup>2</sup> NASA, which is researching air traffic problems from the proliferation of drones, has estimated that there will be seven million drones over the United States by 2020 (Kolpack 2016).

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Defense contractors, such as General Atomics, Lockheed Martin, and Northrop Grumman, are making civilian versions of military drones and are targeting law enforcement agencies as a lucrative source of new drone sales (Tucker 2017). Multiple companies offer multiple models in a range of sizes and costs and with a variety of accessories. Online guides compare and review the models.<sup>3</sup> The companies' websites identify law enforcement uses for their drones. One shows police chasing a suspect who runs behind a house out of sight, so the officers launch a drone to locate the suspect and monitor his movements through the neighborhood (Naylor 2011). Some websites are devoted to police use of drones.<sup>4</sup> They include articles advising departments how to overcome public resistance to these "eyes in the skies."

One tally found 347 law enforcement agencies using drones in 2018.<sup>5</sup> Our search of news articles found law enforcement agencies using drones in at least twenty-one states in 2018.

This article anticipates more extensive use of drones by law enforcement agencies—one source predicts that police drones will replace police helicopters as soon as 2025 (Tucker 2017)—and explores the implications for African American communities. There's a history of law enforcement surveillance of these communities. The FBI's COINTELPRO (Counter Intelligence Program) surveilled and disrupted civil rights leaders and organizations from 1956-1971 (Francis 2016). More recently police departments have monitored Black Lives Matter activists since the protests in Ferguson, Missouri (Francis 2016). In addition, there's a history of law enforcement use of minority communities as test-beds for new techniques. For example, "Operation Cul-de-Sac" in Los Angeles in the 1990s installed traffic barriers to block access to some streets in an effort to reduce drive-by shootings (2011). Now there are perceptions among African Americans that their communities are over-policed and that their residents are singled out for unequal treatment—monitored, stopped, searched, arrested, and punished disproportionately, and subjected to excessive force in the process (Morin and Stepler 2016; Newport 2016). Reports issued by the Justice Department lend support to these perceptions. Research even suggests that police are in the forefront of efforts supporting systemic, or institutional, racism against African Americans (Lerman and Weaver 2014).

Critical Race Theory helps explain the tendency of police departments—not just rogue officers—to discriminate against African Americans. According to CRT, racial disparities and discrimination are embedded in American institutions and policies as well as in the country's history and culture (Bell 1980; Bell 1992; Crenshaw 1988; Crenshaw 1999; Delgado and Stefancic 20001; Moran and Carbado 2008). CRT maintains that laws and policies are formulated and implemented to disadvantage African Americans while advantaging whites. As CRT helps explain discriminatory policing in traditional operations, so it may predict discriminatory use of drones. Even those who are reluctant to embrace CRT can acknowledge that "constraints on law enforcement have a tendency to slacken when communities of color are the subjects of observation" (Wessler 2013).

### **Regulation of Drones**

The Federal Aviation Administration has jurisdiction over the use of drones in the United States. In 2012 Congress ordered the FAA to write rules to integrate drones into the airspace, but the FAA has been slow to do so. In 2016 it issued rules for small commercial drones.<sup>6</sup> It does not restrict small recreational drones, as long as the hobbyists follow the rules for model airplanes.<sup>7</sup>

The FAA's mission is safety in the airspace, so it focuses on that rather than on invasion of privacy from surveillance. The agency receives reports from pilots of close encounters with drones buzzing near commercial airliners—more than three incidents per day in 2015 (Drones on Collision Path with Airliners 2015). A drone collided with a commercial plane over Canada

in 2017. The agency also receives reports of drones hovering over sensitive sites such as military bases and nuclear plants (Rogue Drones a Rising Problem 2015). Drones have crashed into buildings in New York City and Cincinnati. One crashed onto the White House lawn, another into empty seats at the U.S. Open, and yet another onto the football field of the University of Kentucky before kickoff (Johnson 2015). Drones have hovered above crowds in Times Square and pedestrians at the University of Virginia.

Even with its narrow focus on safety, the FAA may not be able to keep up. Drones' popularity is soaring, and owners' impatience has prompted many to go ahead without waiting for government regulations. When the FAA launched a drone registration effort in 2015, requiring owners to register their drones and apply their registration number to their drones, the agency received more than 368,000 applications within two months (Laing 2016).

So the FAA is swamped, and it has shown little attention to privacy issues, whether potential surveillance by the drones or the use or storage of the video from their cameras. The FAA's rule that drones stay within 400 feet of the ground, which is intended to prevent interference with other aircraft, makes drones more likely to invade individuals' privacy. And no other agency is responsible for such privacy. The Commerce Department has issued "guidelines" to prevent invasion of privacy, but these are merely suggestions; they aren't legally binding (Fung 2016). Consequently, there may be no institutional oversight, except for occasional court cases and by interest groups, such as the American Civil Liberties Union (ACLU) and the Electronic Frontier Foundation. Existing laws prohibiting trespass (including "Peeping Toms"), stalking, and unlawful surveillance might apply, but it is unclear how they may limit drone use.

As of 2018, at least thirty-three states have passed laws addressing drone use (National Conference of State Legislatures 2018). Some permit government agencies or businesses or individuals to use drones for various purposes. Others restrict businesses or individuals from using drones in specific ways—for example, flying near sensitive facilities, flying over forest fires, or engaging in harassment, voyeurism, or reckless endangerment. The states have paid much less attention to law enforcement use of drones. Just a half dozen have sought to mesh their law regarding drones with the doctrine of the Fourth Amendment. These states have specified that law enforcement agencies need a search warrant or one of the recognized exceptions to the requirement of a warrant (National Conference of State Legislatures 2017). We found only one state (Maine) that prohibits law enforcement from using drones to surveil persons who are peacefully exercising their First Amendment rights of speech and assembly. We found no states that prohibit law enforcement from using—misusing—drones to target poor or minority communities on an assumption that such surveillance would reveal criminal activity.

Drones are especially susceptible to misuse. They are small, easy to transport and store. They combine an ability to fly and to hover for hours with other technology—cameras and sensors and sniffers. They can go where police can't—where there's no safe access or where an obvious police presence would be detrimental. They allow police to "see" what otherwise would require extensive patrolling. They are barely visible from below, and as commercial and hobby drones become more common, police drones may be indistinguishable and unnoticeable. Moreover, police drones will be used for legitimate activities such as monitoring emergencies or natural disasters, searching for missing persons or fleeing suspects, and providing traffic and accident reports. Such use means many departments will have multiple drones and numerous officers capable of piloting them. Some officers may be tempted to use them in illegitimate ways.

The times are catching up to George Orwell, who in his futuristic *1984* anticipated today's possibilities: "In the far distance a helicopter skimmed down between the roofs, hovered for an instant like a blue-bottle, and darted away again with a curving flight. It was the Police Patrol, snooping into people's window" (1961).

Congress could pass statutory limits on drone use, and within these parameters states could adopt further limits on law enforcement agencies. But, at this date, neither Congress nor the FAA has imposed restrictions to stem the use of drones to racially profile African Americans or their communities. In lieu of congressional legislation or FAA regulation, the courts will be asked to identify any limits. In doing so, the courts will have to determine how search and seizure law applies to drone use in law enforcement.

### Search and Seizure Law

The Fourth Amendment prohibits "unreasonable" searches and seizures, but the courts have ruled that it applies only to searches and seizures in which government officials, such as police officers, are involved, and ones in which the targets have a reasonable expectation of privacy (Harlan 1967). (By this, the Supreme Court means an expectation of privacy that judges will accept as reasonable, rather than an expectation of privacy that the targets of the surveillance, and many citizens, may have.) With drone use by law enforcement, there is no question about the involvement of government officials, but there is uncertainty about the expectation of privacy for the targets of the surveillance. Do individuals who are outside their home, whether on a public street or in a fenced yard, have a reasonable expectation of privacy from drones? Do individuals who are inside their home but visible outside it have a reasonable expectation of privacy from drones?

If, according to the above criteria, the Fourth Amendment applies, it prohibits "unreasonable" searches and seizures. The amendment suggests that these are ones without a search warrant that is based upon "probable cause." The Court, however, has created numerous exceptions to the warrant requirement. The two most relevant to drone use are emergency situations (referred to as "exigent circumstances") and "plain view." If police face an emergency, they may conduct a search and seize any evidence. Or, if they see contraband in "plain view," they may seize it without a warrant (assuming their presence itself, which enabled them to see it in "plain view," was lawful).

In the absence of any statutes to the contrary, police who obtain a warrant could use a drone for surveillance. Without a warrant, they can respond to an emergency, such as aiding a rescue or pursuing a fleeing suspect (*Riley v. California* 2014) or to engage in a non-law enforcement activity, such as providing traffic reports. In the process, with a drone they may see evidence and "seize" it by photographing it. But without a warrant or an established exception to the warrant requirement, can they use drones to fly over, or hover over, neighborhoods or even specific houses in hopes that they will gather evidence against people below?

Police in some cities use license-plate trackers, which photograph vehicle license plates from a stationary pole at a busy intersection or from a moving police car. This technology, however, is less intrusive—the photos show only license plates of vehicles on public streets—than drones, which can fly and hover anywhere.

The most relevant precedents suggest that the courts might allow police drones to fly over or hover over neighborhoods and even specific houses without a warrant (or one of the established exceptions mentioned). However, a survey of recent cases involving surveillance by new and sophisticated technology finds that some justices, often a majority, are unwilling to

accept surveillance by such technology without a warrant (or one of the established exceptions mentioned).

### *Surveillance from Planes and Helicopters*

Although the Warren Court in *Katz v. U.S.*, which first applied the Fourth Amendment to electronic surveillance in 1967, declared that the amendment “protects people, not places,” later Courts have been reluctant to acknowledge that people have a reasonable expectation of privacy. In 1984, the Burger Court ruled, 6-3, that the amendment does not apply to a search for marijuana plants in an open field. State police had walked more than a mile through a Kentucky farm to find a plot of marijuana. Although the farm was secluded, fenced, and posted with multiple “No Trespassing” signs, and the plot was not visible from any road, the majority rejected the farmer’s claim that he had a reasonable expectation of privacy, ruling that the amendment does not apply outdoors, except to the land immediately surrounding a home or other structure—an area referred to as “the curtilage” of the home—that is linked to the home “both physically and psychologically.”<sup>8</sup>

But the Court has been reluctant to limit surveillance of the land surrounding a home. Police received an anonymous tip (insufficient for a search warrant) that a homeowner was growing marijuana in his back yard, which was enclosed by a six-foot outer fence and a 10-foot inner fence. Police, who could not see into the back yard from the street or sidewalk, rented an airplane to fly over the yard. From the plane, and with their naked eye, they saw marijuana plants. A majority of the Burger Court allowed this warrantless search of the curtilage of the house, because the plane, at an altitude of 1000 feet, was in the public airspace and the plants were in plain view (*California v. Ciraolo* 1986). The homeowner had shielded the plants from passersby but not from the sky.<sup>9</sup>

Three years later, a bare majority of the Rehnquist Court allowed a similar search from a helicopter (1989). An officer saw marijuana plants through an opening at the top of a greenhouse behind the accused’s mobile home. The plants were not visible from ground level, and the greenhouse was in the curtilage of the home. The helicopter was flying at an altitude of just 400 feet, lower than the minimum level for an airplane but within FAA regulations for non-fixed-wing aircraft—regulations which do not specify any minimum level, stating only that the aircraft be flown “without hazard to persons or property on the surface” (1989). But these regulations were established for safety, rather than privacy, reasons. In dissent, Justice William Brennan asked readers to “Imagine a helicopter capable of hovering just above an enclosed courtyard or patio...without posing any threat of injury. Suppose the police employed this miraculous tool to discover not only what crops people were growing in their greenhouses, but also what books they were reading and who their dinner guests were.” Or, suppose the police were looking “not into the open curtilage, but through an open window into a room viewable only from the air” (1989).

The majority justified both above searches partly on the basis that the marijuana plants were visible with the naked eye. However, when the Environmental Protection Agency used a specialized camera to detect pollutants above a chemical facility, the majority held that the Fourth Amendment did not apply then either, even though the enhanced photography could reveal far more than the naked eye could see (*Dow Chemical Co. v. U.S.* 1986). The majority suggested that it was willing to limit government surveillance of businesses only if the government used satellites or devices that could see or hear through walls or windows. Yet the majority distinguished between businesses

and houses. The justices suggested that their ruling would not also apply to surveillance with enhanced aerial photography of the area around private houses because of the greater expectations of privacy at home (1986).

These precedents suggest that the Court interprets both “reasonable expectation of privacy” and “the curtilage of the home” narrowly. They also show that the Court permits manned aircraft to conduct surveillance without any apparent restrictions other than compliance with FAA safety regulations. Thus, these precedents, which are the ones most relevant, indicate that the justices may allow warrantless surveillance by police drones as well, at least if the drones do not use *enhanced* aerial photography of the curtilage of the home.

### *Surveillance with New Technology*

On the other hand, the Court has shown reluctance to allow more extensive or sophisticated surveillance, especially with new technology, without a warrant.

In 1983 the Burger Court allowed police, without a warrant, to hide a beeper in a container of chloroform and track a suspect who bought the product. The suspect had no reasonable expectation of privacy because he traveled on public roads, and the beeper merely enhanced the officers’ ability to follow the car by sight (*U.S. v. Knotts* 1983). Three justices, however, expressed the view that electronic technology that enhances the officers’ ability to surveil could jeopardize a suspect’s right to privacy under the Fourth Amendment. A year later, the Court required police to obtain a warrant to use a beeper that tracked incriminating evidence into a residence, because residents have a reasonable expectation of privacy inside (*U.S. v. Karo* 1984). Justice John Paul Stevens, concurring with two others, wrote, “...I do not believe that electronic surveillance...ever should be permitted to become so pervasive that homeowners must expect that containers brought into their homes are infested with electronic bugs (1984)”

Traditionally the Court has emphasized the “sanctity of the home” (*Kyllo v. U.S.* 2001) which dates back to English common law, and granted people more privacy in their home than outside it. Thus the Court states that “the Fourth Amendment draws ‘a firm line at the entrance to the house.’”<sup>10</sup>

The Court’s solicitude for privacy in the home continued in 2001. An anti-drug task force pointed a thermal imaging device at the outside of a home. The high-tech device, which was developed for the Persian Gulf War, reads heat waves on the exterior of a building—heat waves emerging from the interior—and converts the infrared signals to crude visual images. With this device, it is possible to see if the residents are sleeping, having sex, or going to the bathroom, though apparently the device used in this case was not this sophisticated (Curriden 2001). In this case, the officers saw heat spots on the roof and concluded that the residents were using high-intensity gro-lamps for marijuana plants, and the officers used the evidence from the device to obtain a warrant and find the plants. The five-justice majority ruled that the officers needed a warrant to use the device, because this technology was not in general use and because the officers got information that otherwise was unavailable without a physical intrusion (*Kyllo v. U.S.* 2001). The minority, however, would have allowed the search without a warrant, because the evidence (technically) was obtained from outside the house.

The majority’s two-pronged rationale emphasized that thermal imaging was new and rare technology and that it revealed private activities inside the home. Drones can carry thermal imaging devices. When drones become common, this precedent’s only limitation may be a prohibition against recording activities inside the home. This may leave thermal imaging, without a warrant, illegal, but it would not restrict other surveillance by drones.



Following this case, the Court has remained circumspect about the use of new, sophisticated technology that is more revealing than past searches and seizures. Although the Court allowed a beeper to track a car on public streets (above), the justices would not allow a GPS device to track a car for a month in 2012. The beeper was less sophisticated, requiring police to closely follow, and perhaps lose, the car being tracked. The GPS device, however, provided a digital record without such demanding use of police resources. After installing the device on a vehicle parked in a public parking lot, police checked the vehicle's comings and goings for twenty-eight days, connecting the driver to a drug dealer. A majority of the justices expressed concern about the length, and therefore the scope, of this surveillance (*U.S. v. Jones* 2012). The length generated too much private information—"a precise, comprehensive record of a person's public movements," according to Justice Sonia Sotomayor, that could reflect "a wealth of detail about [the person's] familial, political, professional, religious, and sexual associations" (2012). However, most justices apparently agreed with Justice Samuel Alito, who wrote that "relatively short-term monitoring of a person's movements on public streets" would be "reasonable," and therefore constitutional (2012).

The justices evinced similar concern about North Carolina's law allowing satellite-based monitoring of recidivist sex offenders. After release from prison, an offender was ordered to wear an ankle bracelet that would provide continuous tracking of his location for the rest of his life. The Court unanimously held that such tracking was a "search" under the Fourth Amendment, though the Court did not determine whether this search was a "reasonable" one (*Grady v. North Carolina* 2015). (Because North Carolina courts had held that it was not a "search" under the amendment, they did not address whether it was a "reasonable" one, so the Supreme Court sent the case back to these courts for this determination.)

After the Court rejected the installation of a GPS device and the tracking of the vehicle's location for a month in 2012, law enforcement turned to cell phone location data. When cell phone owners turn on their phone, place a call, send a text, or receive a message, their phone communicates their location to a cell phone tower. Cell phone companies use this data for their purposes, and law enforcement agencies use it in case of emergencies. But officials have sought this data to place suspects at the scene of a crime. Do they need a search warrant? In 2018 the Roberts Court ruled that they do, because this data is "detailed" and "encyclopedic" (*Carpenter v. U.S.* 2018). It is more revealing, Chief Justice John Roberts wrote for a five-justice majority, than the GPS tracking of the vehicle above, because the phone goes wherever its owner goes (although in this case, the data covered only a week rather than a month). Thus the owner has a legitimate expectation of privacy over this data.

The Court has also addressed police searches of the contents of cell phones. Incident to arrest, police searched the contents of cell phones of two defendants. The justices unanimously ruled that police, without a warrant or an exception to the warrant requirement, cannot search the digital information in cell phones (*Riley v. California* 2014). The Court weighed the degree to which the search intrudes upon the individual's privacy versus the degree to which it promotes the government's interests. The "immense storage capacity" of modern cell phones, Chief Justice Roberts wrote in a lengthy passage, provides "a digital record of nearly every aspect of their lives" (2014). A search of a cell phone is more revealing than a search of a billfold, address book, or purse—searches incident to arrest that have been allowed by lower courts—or even an exhaustive search of a house. And unlike a traditional search incident to arrest, there is less concern that a cell phone will be used to hide a weapon or destroy evidence. Thus the scale tips toward privacy.



In conclusion, the Supreme Court's relevant search and seizure rulings may be seen as two sets of precedents. The precedents involving planes and helicopters, which may be the most relevant to drones, have allowed searches from the air, including searches into fenced-in yards and partially enclosed structures like greenhouses. On the other hand, the precedents involving more recent and sophisticated technology reflect the justices' fear that technology may erode the Fourth Amendment. Thus the two sets of precedents, as applied to searches by drones, point in opposite directions. If we merge the two sets, they suggest that the Court may allow searches by drones but with limits, so that such searches are less intrusive than monitoring the comings and goings of a vehicle for a month or perusing the contents of a cell phone. (Remember Justice Alito's acceptance of "short-term monitoring of a person's movements on public streets.") Even with their ability to hover over a neighborhood or a house, drones are unlikely to be as intrusive as either of these searches was.

Of course, drones can hover outside a window of a residence, and cameras pointing into the residence would be extremely intrusive, but the Court's emphasis on the sanctity of the home makes it unlikely that such a search would be allowed without a warrant. Some lower courts have admitted evidence obtained by police peering into a window or through a crack in the wall of a residence, claiming that the drugs seen were in plain view (*U.S. v. Hammet* 2001; *U.S. v. Taylor* 1996). Given the justices' concerns about new technology, however, it seems less likely that they would allow drone surveillance into a residence without a warrant or exception to the warrant requirement. For the same reason, it seems unlikely that they would allow drone surveillance with thermal imaging devices or other sophisticated technology that could essentially "see" through walls into residences.

It is clear that new technology, as represented by drones, poses a significant challenge to the privacy protected by the Fourth Amendment, a challenge the justices are well aware of. "In the pre-computer age," Alito observed, "the greatest protections of privacy were neither constitutional nor statutory, but practical. Traditional surveillance for any extended period of time was difficult and costly and therefore rarely undertaken." Such is not the case with contemporary technology.

With relevant precedents and concerns pointing in opposite directions, the legality of drone surveillance may be determined by two other trends—the militarization of the police and the practices of the police in minority neighborhoods—to which we turn now.

### **Militarization of the Police**

Since the 1960s, police forces have gradually become more militarized, taking on the characteristics of an army, with police officers coming to see themselves as "warriors" rather than as "guardians" of the community in which they serve.<sup>11</sup> Most departments have obtained military grade weapons and body armor; many have obtained armored personnel carriers; and some have obtained tanks and helicopters. Many departments have employed military trainers and adopted military tactics, and even exchanged officers' traditional blue uniforms for military style uniforms (Balko 2014).

The trend began with the Watts riot in Los Angeles and subsequent riots in other cities in the 1960s.<sup>12</sup> Los Angeles police could not contain the Watts riot, which continued for six nights and spread over forty-six square miles. Afterwards the department sought guidance from the U.S. military, a request that would lead to military weapons, military training, and military tactics, including the nation's first SWAT (Special Weapons and Tactics) team. The riots, Black Panthers, and rising crime rates combined to generate heightened fears of crime and of black

people among middle class whites (Balko 2014). At the same time, antiwar demonstrations, the counterculture, and drug use also led to demands for “law ‘n order.” Politicians, beginning with Richard Nixon, pushed anti-crime and anti-drug policies, calling for a crack-down on crime and a “war on drugs.” In the 1980s, the Reagan administration continued the crack-down on crime and sharply escalated the war on drugs. President Reagan’s first attorney general, William French Smith, emphasized the new attitude when he stated, “The Justice Department is not a domestic agency. It is the internal arm of the national defense” (Balko 2014, 139). The fights against crime and drugs continued through the 1990s. Even as crime rates declined in the 1990s and 2000s, the war on drugs continued to fuel the militarization of the police. Periodic mass shootings, such as at Columbine High School in Colorado, seemed to justify more military weapons, training, and tactics for police departments.

The terrorist attacks on 9/11 led to fears of further attacks, whether from “sleeping cells” or, later, “lone wolves.” President Bush called for a “war on terror,” focused mostly outside the United States but partially inside as well. Other countries, facing their own terrorist threats, also began using military equipment and tactics to identify, track, and target “ambient threats from the chaos of urban life” (Graham 2010). A common pattern, in the United States as well as in other countries, according to Graham, is both an overreaction and a perception among white officials that inner cities are especially threatening (Graham 2010, xix).

As a result of these events and attitudes, Congress authorized the military to share surplus equipment with police departments in 1968; ordered the Secretary of Defense and Attorney General to notify police departments about available surplus equipment in 1987; and established a program to transfer more military gear to law enforcement agencies in 1997 (Balko 2014). After 9/11, the massive bureaucracy dedicated to homeland security promoted more transfers (Coyne and Hall 2013). The government reported 78,000 transfers in one recent year alone (Gould-Wartofsky 2015). An Arkansas coroner even got surplus guns and a Humvee (“Even an Ozarks Coroner Gets Surplus Guns 2014). In 2013, the government gave police departments \$1.2 million to buy drones (Friedersdorf 2016).

The most prominent manifestation of the trend toward militarized policing is the development and spread of SWAT teams. Since the first SWAT raid, against Black Panthers in Los Angeles in 1969, SWAT teams have spread to nearly every big and medium-sized city in the country. Although envisioned for big cities with numerous violent crimes, their existence led to a desire from medium-sized and eventually small cities, which had few violent crimes but which did not want to be left behind. When one medium-sized or small city got a SWAT team, its neighbors wanted one too. By 1995, 89 percent of cities with over 50,000 in population had SWAT teams, and even 65 percent of cities between 25,000 and 50,000 in population had them. And 20 percent of police officers in these cities served on a SWAT team (Balko 2014).

SWAT teams typically are trained by current or former active duty military personnel. Almost half of the teams have been trained by special forces personnel such as Army Rangers or Navy Seals (Balko 2014, 208). Members of the teams are taught to enforce the law as if they were in the military. One police chief noticed changes in the officers after their training. “The us-versus-them mentality takes over.... There’s us and there’s the enemy” (Balko 2014, 241).

Mission creep has led to extensive use—overuse—of SWAT teams, even in situations that do not require them (Alexander 2010). Rather than the last option in a dangerous situation, SWAT teams in many departments are used for routine patrols in high-crime areas. And they have been used to raid underage drinking, recreational gambling, massage parlors, strip clubs, and the homes of people suspected of downloading child pornography. They have also been

used to raid barbershops, resulting in arrests for “barbering without a license” (Alexander 2010, 281-286). SWAT raids have become so common that an estimated 50,000-60,000 occurred in one typical year in the United States (Alexander 2010, 308). They are used disproportionately in encounters with non-whites.<sup>13</sup>

In addition to the training for the members of SWAT teams, the training for other officers has increasingly borrowed from the military. Police academies emulate the military to such a degree that they spend significant time practicing drill, formation, and saluting (Williams 2015). They receive extensive training in using firearms but little to none in de-escalating conflicts (Holland 2015).<sup>14</sup>

As a result of the military gear and the military training, for members of SWAT teams and for other officers, “There’s now a dominant military culture within modern police agencies” (Balko 2014, xii). From time to time, there have been efforts to reform, to de-militarize police forces, but too often these efforts have come only from the groups most directly affected (Balko 2014, 297-300). When some individual chiefs have tried to reform, their officers have pushed back. One chief simply tried to replace military titles such as “lieutenant,” “sergeant,” and “captain” with FBI titles such as “agents,” “special agents,” and “supervisors,” and found his officers in revolt (Balk 2014, 189-192).

Since the shooting of Michael Brown in Ferguson, Missouri, in 2014, and other shootings of unarmed black men and boys after that, a more concerted effort to de-militarize police forces has emerged. Greater use of body cameras by departments and cell phone cameras by bystanders has publicized the problem. The Black Lives Matter movement has issued proposals to de-militarize police forces. The Obama administration, which initially allowed the flow of military gear to police departments to continue, restricted the flow in 2015, prohibiting the transfer of aircraft, tracked vehicles, other vehicles with weapons installed, grenade launchers, and firearms larger than .50-caliber. In addition, the administration required detailed justifications for other equipment. Yet the shootings of police officers in Baton Rouge and Dallas in 2016 appear to have reinforced police departments’ commitment to a militarized force (Greer 2016), and President Trump has promised to rescind President Obama’s executive order and let the military gear flow again (Dishneau 2016).

Because the military culture within our police departments is so entrenched, and has been for so long—a half century—it will not be easy to persuade, prod, or force departments to de-militarize. We can assume that the desire for military hardware will extend to drones, which of course began as military weapons. Departments large and small will seek drones. And we can assume that the mission creep of SWAT teams will be replicated by a similar pattern for drones. They may be used initially for extraordinary situations but may be used eventually for routine patrols.

### **Practices of the Police in African American and Latino Neighborhoods**

If drone surveillance by law enforcement is allowed under the Fourth Amendment, and if the trend toward militarized policing continues, it is likely that law enforcement will use extensive drone surveillance in African American and Latino neighborhoods. Aggressive policing in these neighborhoods has been well documented by legal scholars and social scientists, and such policing has been vividly displayed in internet videos, whether from officers’ car or body cameras or bystanders’ cell phones (Alexander 2010; Jones and Mauer 2013; Gilmore 2007; Walker, Spohn, and DeLone 1996; Quigley 2015).

Calls to “get tough on crime” and wage “a war on drugs,” beginning in the 1960s and

continuing today, have used race as a proxy for crime and drugs. African Americans, especially, have been portrayed as the perpetrators of crimes and users of drugs (Alexander 2010, 42-45). The original goal behind these calls was to appeal to prejudiced white voters, but this political strategy became so pervasive that it spilled over to police practices.<sup>15</sup> Although most studies conclude that whites sell and use drugs at similar rates as blacks and Latinos, and some studies even conclude that whites sell and use drugs at higher rates, police patrols and drug arrests are far more common in minority neighborhoods (Alexander 2010).

In their fights against crime and drugs, police target poor people, especially African Americans and Latinos. This tendency reflects a combination of factors, including racial prejudice and a theory of policing called “Broken Windows” (Kelling and Wilson 1982). Under this theory, police should not overlook minor crimes, even teenagers breaking windows in abandoned buildings or subway riders jumping the turnstiles. Instead, police should make arrests for minor crimes as well as for serious ones to preserve public order and, importantly, to establish a police presence and send a clear signal that law-breaking will not be tolerated. Their presence and signal are intended to serve as a deterrent for those they arrest for minor crimes and also for others who may be tempted to commit serious crimes in the future. (In addition, the arrests for minor crimes locate some defendants who have warrants outstanding for other crimes.)

The “broken windows” approach has been broadened in some cities to stopping and frisking minority males in high-crime neighborhoods, even when the males have not done anything to suggest that they are committing a crime, such as carrying weapons or drugs (Toobin 2013; Alexander 2010; Quigley 2015). Under Supreme Court doctrine, police may stop and frisk—a pat-down search (not a full search)—persons if police have “reasonable suspicion” that persons are committing a crime (*Terry v. Ohio* 1968). “Reasonable suspicion” is defined as more than a hunch but less than probable cause, which is the standard for arrests and most full searches. In other words, police must have a good reason, at least some evidence of wrongdoing, to stop and frisk people. However, police frequently violate this standard in minority communities. When African Americans and Latinos are walking, police often stop and frisk them without “reasonable suspicion” (Alexander 2010). In New York City, officers were pressured to stop and frisk a number of minority males every day (Toobin 2013). In some years during the early 2000s, they stopped and frisked over a half million people (Alexander 2010). The lack of reasonable suspicion was apparent from the small percentage of stops that led to arrests—only 6 percent (Bellafante 2014; Alexander 2010). Although a state court and a new mayor have sought to discontinue this practice in New York City, a similar approach was followed in Baltimore; Chicago; Ferguson, Missouri; Newark; and New Orleans.<sup>16</sup> Given the extensive use of this approach in some cities, it is likely that the approach is used in other cities as well (Walker, Spohn, and DeLone 1996). “Jump-outs”—a version of stop-and-frisk in which police in unmarked cars drive up to unsuspecting pedestrians, jump out of their cars, and frisk the pedestrians, without reasonable suspicion—were used in Washington, D.C. (Flatow 2014).

When African Americans in poor neighborhoods in Tampa, Florida, were riding bicycles, police using the “broken windows” approach often stopped them for minor infractions, such as riding on the wrong side of the street (Hayden 2015). When African Americans and Latinos are driving, police often stop them for minor infractions as a pretext for searching (Alexander 2010). Police conduct a visual sweep inside the vehicle while talking to the driver and checking his license, and they often ask for consent to conduct a fuller search (Epp and Maynard-Moody; Quigley 2015; Alexander 2010). Police are not required to inform drivers that they may refuse

to consent, so many drivers allow a search even when they do not want one (*Schneckloth v. Bustamonte* 1973).

There is ample evidence of aggressive policing in minority communities (Walker, Spohn, and DeLone 1996). SWAT teams are routinely deployed in these communities, even for non-violent matters. In recent years, investigations by the U.S. Department of Justice of the police departments of Baltimore, Chicago, Ferguson, New Orleans, and San Francisco found evidence of aggressive policing, ranging from disproportionate stops, searches, and arrests to excessive force and brutality (Zapotosky 2016). In short, there was biased policing, including racial profiling, and heavy-handed tactics. These departments reflected a pervasive pattern of violating Fourth Amendment rights of African Americans. No doubt other departments engage in similar practices.

A former police chief in San Jose and Kansas City, Mo., said, “The tough tactics that cops use in minority neighborhoods wouldn’t be tolerated for a week in a white neighborhood” (Pinkerton 2000). And a prominent legal scholar observed, “Tactics that would be political suicide in an upscale white suburb are not even noteworthy in poor black and brown communities”(Alexander 2010, 121).

### Conclusion

Our conclusions support Critical Race Theory. The practices of police in African American and Latino communities suggest that the roots of law enforcement in these communities extend to institutional factors as well as to individual behavior. Unless deliberate policies are adopted and institutional safeguards are put in place, police use of drones likely will result in racial discrimination.

Police departments already conduct video surveillance with closed-circuit television cameras mounted on poles and buildings and overlooking busy intersections, parking lots, and transit stations. Los Angeles police operate a helicopter fleet over their sprawling city (Manaugh 2016). Versatile drones have the potential to be more useful than current methods of video surveillance. Many departments may take the cameras off of the poles and buildings and out of the helicopters—and put them onto drones. Drones are less noticeable than typical manifestations of police presence. They can go where officers can’t. They are small, easy to use, as well as easy to transport and store. They are also easy to divert from legitimate activities that pose no Fourth Amendment problems to surveillance that does. They can fly low and close. They can maneuver anywhere allowed within FAA guidelines. They can observe—capture—scenes of crimes, minor as well as major, and much non-criminal behavior as well. Their surveillance can be stored for later scrutiny.

The militarization of the police and the practices of the police in African American neighborhoods have laid the foundation for police departments to request, for local officials to allow, and for federal agencies to facilitate the purchase and use of thousands of drones for routine—not just emergency—surveillance of these neighborhoods.

For every promise of drone use—for example, delivering a defibrillator to a heart attack victim--there are potential privacy threats and other abuses. Ultimately the courts will have to balance the benefits of drones with the invasion of privacy that results. In theory, the Fourth Amendment will serve as a check on overuse of surveillance, but the Supreme Court’s doctrine regarding planes and helicopters—the doctrine most relevant to drones—suggests that the Court may accept even routine and extensive drone surveillance. The Court’s doctrine regarding other technology suggests that the justices may draw the line at more intrusive drone surveillance,



such as hovering beside windows (or above balconies or decks or patios?). Of course, court rulings alone are no guarantee that privacy will be protected. Even search warrants requiring probable cause are no guarantee. They can be abused, as stop-and-frisk searches requiring reasonable suspicion have been.

Societal acceptance of the militarization of the police and the practices of the police in minority neighborhoods shows that frequent invasion of privacy through drone surveillance of minority neighborhoods may well be accepted too. Despite the emerging backlash against the war on drugs in the minds of some state and federal officials, the pervasive stereotypes of black and Latino criminals, combined with the racial hostility of some Americans and the racial indifference of many others, create the political climate for police to deploy drones on routine patrols in minority communities.

Extensive use of drones by police would have significant implications for African Americans and Latinos. Such use could jeopardize the privacy of the residents of minority communities. Such use also would aggravate the frayed relations between the police and the residents of these communities. Routine use would further the perception of the residents that they are being over-policed and would reinforce the behavior of those officers who engage in racial profiling and excessive stopping and searching. And presently there is no agency at the federal or state level that has undertaken responsibility to ensure that drones are not used to violate the rights of marginalized groups in our society.

### Notes

1. The authors would like to thank Matthew Morehouse and Haley Keller for research assistance.
2. The Unmanned Systems Caucus and their webpage no longer exist.
3. The information comes from the website [www.policeone.com/2018-guide-drones](http://www.policeone.com/2018-guide-drones).
4. The websites include [www.dragonfly.com](http://www.dragonfly.com) and [www.policeone.com/2018-guide-drones](http://www.policeone.com/2018-guide-drones).
5. The tally can be found from [www.dragonfly.com/police-drone-infographic](http://www.dragonfly.com/police-drone-infographic).
6. These pertain to drones weighing fifty-five pounds or less. Companies must register them, and operators must pass an aeronautical test. The drones must be used during daytime and must be kept within sight of their operators. They must be flown no higher than 400 feet and not over people who are not involved in the project.
7. Fly during the daytime, stay under 400 feet, and stay five miles from an airport (unless notifying the airport).
8. This elaboration of the curtilage would appear two years later in *California v. Ciraolo*, 476 U.S. 207, 212-213 (1986).
9. Following this case, the U.S. Court of Appeals for the Fifth Circuit ruled that police, with judicial authorization, can mount a video camera on a pole and trained on a back yard for almost seven weeks. Although this “most intrusive method of surveillance.... raises the specter of the Orwellian state,” according to the judges, the court order justified the video surveillance. *U.S. v. Cuevas-Sanchez*, 821 F.2d 248, 251 (Fifth Cir., 1987).



10. 533 U.S. at 40, citing *Payton v. New York*, 445 U.S. 573, 590 (1980).
11. This trend has been explored most fully in Radley Balko, *Rise of the Warrior Cop: the Militarization of America's Police Forces* (New York: PublicAffairs/Perseus Books, 2013). See also Abigail R. Hall and Christopher J. Coyne, "The Militarization of U.S. Domestic Policing," *The Independent Review: A Journal of Political Economy* 17 (4), 485-504. This trend has also been explored in the documentary, "Do Not Resist" (2016).
12. Some observers see a direct line from foreign interventions by the U.S. military to police use of military technology. "[A] proactive, imperialistic foreign policy can impose significant costs on domestic citizens due to expansions in the scope of state power." Christopher J. Coyne and Abigail R Hall-Blanco, "Foreign Intervention, Police Militarization, and the Impact on Minority Groups," Working Paper, <http://ssrn.com/abstract=2729295>, p. 3.
13. See "War Comes Home: the Excessive Militarization of American Policing," American Civil Liberties Union, June, 2014, [www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf](http://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf), pp. 35-36.
14. John Crawford was holding a BB gun from a store shelf and at the same time talking to his girlfriend on a cell phone while at a Beaverton Creek, Ohio, Walmart, when two police officers came around the corner of the aisle and immediately shot him dead. A white shopper, seeing Crawford, had panicked and called police, who then believed there was an active shooter situation in the store. Less than two weeks before the incident, one of the officers had been trained for active shooter situations—trained to react with "speed, surprise, and aggressiveness."
15. Some, such as Michelle Alexander, suggest that this process, at least in southern states, was more intentional, that whites saw attacks on crime and drugs as a way to subjugate blacks in the wake of the civil rights movement.
16. See "Investigation of the Baltimore City Police Department," from United States Department of Justice Civil Rights Division, August 10, 2016, [www.justice.gov/opa/file/883366](http://www.justice.gov/opa/file/883366); "Investigation of the Chicago Police Department," United States Department of Justice Civil Rights Division, January 13, 2017, [www.justice.gov/opa/file/925846/download](http://www.justice.gov/opa/file/925846/download); [no au] "Investigation of the Ferguson Police Department," United States Department of Justice Civil Rights Division, March 4, 2015, [www.justice.gov/sites/default/files/opa/press\\_releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](http://www.justice.gov/sites/default/files/opa/press_releases/attachments/2015/03/04/ferguson_police_department_report.pdf); [no au] "Chicago Stop-and-Frisk to be Monitored," *New York Times*, August 9, 2015, Y19; and [no au] "Investigation of the New Orleans Police Department," March 17, 2011, [www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd\\_report.pdf](http://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf).

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## Intersectionality, Discrimination, and Presidential Approval: An Intersectional Analysis of *Bolsa Família* Recipients' Presidential Satisfaction of Dilma Rousseff and Political Trust

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### Abstract

This article is an exploratory project that employs an intersectional approach to examine presidential satisfaction of former Brazilian president, Dilma Rousseff and political trust of individuals living in *Bolsa Família* (BF) households. Seventy-three percent of *Bolsa Família* beneficiaries; a conditional cash transfer program, are Afro-Brazilian. Findings reveal that in 2012, among *Bolsa Família* households, 25 percent of black women believed Rousseff was doing a bad or very bad job. This is the highest percentage of dissatisfaction of all racial and gender groupings of *Bolsa Família* and non-*Bolsa Família* households. In the ordered logistic regression analysis of satisfaction with Rousseff, only political party is statistically significant rather than the interaction of race and gender. In terms of mistrust, respondents in *Bolsa Família* households who have experienced discrimination are more likely to have higher levels of mistrust in the Brazilian political system compared to those who have not experienced discrimination.

**Keywords:** Afro-Brazilian women, intersectionality, *Bolsa Família*, presidential satisfaction

During the 2014 Brazilian presidential campaign, some citizens stereotyped *Bolsa Família* recipients as lazy people who wanted handouts from the government. *Bolsa Família* is a conditional cash transfer program for low-income and unemployed Brazilians. It provides a monthly stipend on the condition that children are sent to school and have medical check-ups regularly. In this article, I am interested in whether Afro-Brazilians in *Bolsa Família* households differ from non-*Bolsa Família* households in their evaluations of former president Dilma Rousseff and in their trust in the Brazilian political system.

Northeasterners, who are predominantly black and brown, were stereotyped as uneducated voters who were uncritical of former President Dilma Rousseff thus voting for her simply because they benefitted from this cash transfer program. Stereotypes of *Bolsa Família* beneficiaries existed before the 2014 election but became more prominent in mainstream and social media. These stereotypes did not end with the 2014 election. They continued to circulate in social media and were present in some inflammatory statements right-wing politicians made. In 2018, Jair Bolsonaro was elected president and he was known for making anti-black comments which were sometimes racially coded throughout his political career such as implying that *Bolsa Família* beneficiaries are too lazy to work. Not only has the newly elected president stereotyped *Bolsa Família* beneficiaries, but citizens also circulated memes on social media. An example of one of these memes shows an Afro-Brazilian woman fainting and two Afro-Brazilian men trying to hold her up. One man asks the other, "Cousin, what happened to her?" The cousin responds, "*Bolsa Família* will end. She will have to work." Racist and sexist memes represent the racist and sexist discourse of citizens and political leaders. Although the literacy rate is over 90%, many Brazilians receive political news from television and increasingly, social media. Caio Machado (2018) found that during the 2018, election, 66% of Brazilians had internet access and 90% of those people used WhatsApp. Of the top 50 images that circulated

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in politically-oriented WhatsApp groups, only 4 were real images (Machado 2018). WhatsApp played a critical role in spreading “fake news” about Fernando Haddad, the leftist Worker’s Party presidential candidate. Although the issue of security was prominent during the 2018 elections, the debate voting patterns of *Bolsa Família* beneficiaries has been an ongoing debate since former president Luis Inacio “Lula” da Silva was in office. He was president from 2002-2010 and was from the left-leaning Worker’s Party (*Partido dos Trabalhadores* (PT)).

Understanding the previous political context is noteworthy to understand today’s political shift to the extreme right. Before Dilma Rousseff was elected, Lula served two terms as president. Rousseff was his handpicked successor. Both low income people and the elite benefitted economically under Lula’s leadership. However, he promoted policies that addressed economically disadvantaged populations, and this changed his voter base from his first election in 2002 to his 2006 election. João Vargas states that because of his focus on poverty “in this context, Lula and the PT, at least nationally,” lost “a substantial part of their historical middle-class, student, and organized labor bases, and” for this reason the party became “a party that electorally depends on what can be called the subproletariat- the unorganized, urban, mostly Black, informal laborers increasingly hailing from the impoverished northeastern states (553).” In addition, he claims that despite progressive policies, Blacks’ relationship with the administration remained ambiguous. Elite Brazilians, who are mainly white, a focus on security that appealed to Afro-Brazilians and non-Afro-Brazilians, and morality among religious conservatives are important elements that led to the recent election of Bolsonaro. Bolsonaro made derogatory comments about women, Afro-Brazilians, and the LGBTQ community. His open endorsement of racism and sexism supported sentiments that already existed in society but that were not considered polite to express publicly. As previously mentioned, throughout his political career, he depicted *Bolsa Família* beneficiaries’ as people not deserving of the program. In this context, *Bolsa Família* is a contentious policy program.

There is an academic debate about whether politicians receive voter support in exchange for their support of the *Bolsa Família* program. In other words, citizens are promised benefits from the program if they vote for politicians who advocate for *Bolsa Família*. Simone Bohn (2013) argues that Lula’s voter base of *Bolsa Família* beneficiaries was not a form of clientelism. Clientelism is the idea that politicians will provide goods or services including food stuffs or neighborhood improvements to their voter base, their clients, in promise for their support. Historically clientelism characterized politics throughout Latin America including Brazil. However, scholars of Brazilian politics have argued that these traditional forms of clientelism play less of a role in contemporary politics. However, some scholars argue that *Bolsa Família* beneficiaries support of leftist political candidates is the result of clientelism. Natasha Sugiyama and Wendy Hunter (2013) do not find evidence of clientelism and argue there is less clientelism in Brazil today than in the past. Brian Fried also finds evidence that clientelism is in decline (Fried 2012). However, Cesar Zucco Jr. and Timothy Power (2013) find a relationship between the program and voter support for Lula. Yet, Diego Corrêa (2015) finds that in Lula’s 2006 presidential election, wealthy voters were critical of the use of public resources to support social policies. Wealthy voters migrated to the opposition party which changed the socioeconomic composition of Lula’s voter base. This change in his base led to a different voter base than his 2002 presidential election which explains why it appears that more *Bolsa Família* recipients supported him.

While I am not arguing there were no *Bolsa Família* beneficiaries who voted in support of PT candidates because they agreed with progressive policies such as *Bolsa Família*, I am arguing that it is important to consider divergences in voting patterns among *Bolsa Família*



beneficiaries and that a pro-PT vote should not be considered a form of clientelism. In this way, examining voting in the absence of clientelism allows scholars to think about additional political or policy interests of economically marginalized voters. Seventy-three percent of those receiving *Bolsa Família* are black and brown and 68% of *Bolsa Família* households are headed by black and brown women (Arruda 2014). Curiously, there is little examination of the political opinions of *Bolsa Família* recipients or those living in these households. This exploratory article is interested in the role intersectional identities and the experience of discrimination play in shaping presidential support. It is also interested in the role of discrimination on political trust of individuals in *Bolsa Família* households. It is problematic to assume that Afro-Brazilian women *Bolsa Família* beneficiaries give blind support to political candidates simply because they receive the monthly stipend. Afro-Brazilian and low-income women may also be concerned with legislation related to domestic workers who are mainly Afro-Brazilian women (Harrington 2015), police terror of Afro-Brazilian communities (Smith 2016, Alves 2018) and land displacement (Perry 2013). For this reason, it is possible Afro-Brazilian women may support leftist candidates who support *Bolsa Família* but they may also be critical of politicians who have not addressed issues they find relevant. In this article, census category *pretos* are referred to as black and census category *pardos* as brown. *Pardo* is a word used to denote a person of racially mixed ancestry. *Bolsa Família* voters are largely viewed as a population informed by their class and much of the scholarship focusing on *Bolsa Família* analyzes recipients as a voting bloc based on class. I argue that intersectional identities of race and gender are important when considering how an individual experiences the social and political world. In addition, experiencing discrimination may have an impact on one's political opinions. Political scientists such as Cathy Cohen (1999), Ange-Marie Hancock (Hancock 2007), Julia Jordan-Zachary (2009), Nikol Alexander-Floyd (2012), Erica Townsend-Bell (2013), Nadia Brown (2014), Tiffany Willoughby-Herard (2014), Keisha Lindsay (2014), Jaira Harrington (2015), Alexandra Moffet-Bateu (2014), and Gladys Mitchell-Walthour (2018) have done excellent work showing the importance of an intersectional framework in studies involving gender, politics, and race. Only political scientists Harrington and Mitchell-Walthour's work deal with Brazil. However, anthropologists and sociologists such as Sueli Carneiro (2003), Kia Caldwell (2007), Keisha-Khan Perry (2013), Elizabeth Hordge-Feeman (2015), and Leila Gonzalez's (1988) scholarship employ a black feminist perspective in their work on Brazil. David De Micheli (2017) and Elizabeth Kakne's (2017) work on *Bolsa Família* examines race and class but is not based in black feminism. Sonia Alvarez and Kia Caldwell's (2016) article on promoting "Feminist Amerfricanidade: Bridging Black Feminist Cultures and Politics in the Americas" is an intervention at linking black feminism and politics. In addition, Caldwell's (2007) work directly engages the broader notion of politics through citizenship and black women's mobilization in Brazil. Some scholars have examined wage differences based on race and gender (Paixão, Carvano, and Rossetto, 2010; Lovell 2000) but there is no connection made to voting or political behavior. Yet scholarship on Brazilian political behavior and opinion with an intersectional analysis is less common.

This article employs an intersectional approach to examine differences among individuals living in *Bolsa Família* households' presidential satisfaction of Dilma Rousseff and political trust that citizens are protected by the Brazilian political system. An intersectional approach is utilized to examine differences among individuals in *Bolsa Família* households' presidential satisfaction of Dilma Rousseff and political trust. To employ an intersectional approach, I consider both race and gender in the analysis. In the analysis, the variables "race" and "gender" are interacted to operationalize intersectionality. I rely on the Latin American

Political Opinion Project (Lapop)<sup>1</sup> survey to examine political trust and satisfaction of President Rousseff in 2012. It is a nationally representative sample of Brazil including five regions which are the north, south, southeast, northeast, and midwest. The sample size is 1500 respondents. I use the 2012 dataset because the 2014 dataset does not include a question on discrimination and the 2010 survey included survey questions about President Lula rather than Rousseff.

Findings from a crosstabulation reveal that in 2012, among *Bolsa Família* households, 25 percent of black women believed Rousseff was doing a bad or very bad job. This is the highest percentage of dissatisfaction of all racial and gender groupings. In the ordered logistic regression analysis, political party is statistically significant but not the interaction of race and gender. Another finding is that experiencing discrimination leads to lower levels of political trust in the Brazilian political system.

In this article, first I discuss the hypotheses. Second, I provide a literature review of Afro-Brazilian voting patterns and scholarship on black feminist thought. Second, I examine the role of the Worker's Party (PT) in Afro-Brazilian political representation at the federal level and advocating for racial and social policies. I also discuss Rousseff's 2014 election. Third there is a discussion of descriptive statistics. Lastly, I analyze findings from the ordered logistic regression.

### Afro-Brazilians and Voting

Current research on voting, demonstrate *pretos* politically behave differently than *pardos*. Mitchell (2010) finds that Afro-Brazilians who identify as black (*negro* or *preto*) are more likely to vote for black (*negro*) politicians than those identifying in non-*preto/negro* categories. Negro is a racial term denoting black and often denotes black and brown Brazilians similar to the term African-American in the United States. Relying on an experimental design, Aguilar et al. (2015) find evidence of racial voting when considering the number of candidates on a ballot. When ballots are short, whites and *pardos* show no preference for candidates of the same color. However, when there is a long ballot, whites and *pardos* show a preference for candidates of the same color. Self-identifying *pretos* (blacks) show a preference for black candidates regardless of the number of candidates on the ballot.

Some researchers have found that race and racism explain Afro-Brazilian political underrepresentation while others have found these two factors are not explanatory. Stanley Bailey (2009) finds that in a Rio de Janeiro based survey, when considering a list of disadvantageous conditions to being elected to political office, most Brazilians believe low education and lack of resources are greater factors than race. For this reason, he concludes that race is secondary to class as an explanation of underrepresentation. However, when considering prejudice as a reason for a lack of underrepresentation, whites, *pretos*, and *pardos* overwhelmingly believe it explains why blacks are underrepresented in politics. When examining voting preferences for Benedita da Silva, Bailey finds statistically significant differences between *pretos* compared to whites and *pardos*. *Pretos* were more likely to cite color as a reason for their vote choice. Andrew Janusz (2018) focuses on electoral outcomes in the Federal Chamber of Deputies and finds that even when accounting for differences in education, occupation, and campaign resources, race accounts for differences in electoral outcomes. Mitchell-Walthour's (2017) in-depth interviews reveal that Afro-Brazilians in Salvador, São Paulo, and Rio de Janeiro largely attribute Afro-Brazilian political underrepresentation to discrimination. In sum, contemporary research on race and voting show different voting preferences according to racial identification. Considering that *Bolsa Família* recipients are overwhelmingly *preto* and *pardo*, it is possible

we may see different patterns in political opinion among black and brown individuals in *Bolsa Família* households. Moreover, the intersection of race and gender may reveal variance in political opinions. This is a preliminary attempt to consider intersectionality and discrimination among individuals in *Bolsa Família* households based on quantitative data.

One drawback is that the 2012 Lapop survey only has 282 individuals who reside in *Bolsa Família* households. Once control variables are introduced such as education, gender, political party, income, discrimination, and age, the sample size drops significantly. Yet this quantitative analysis is an important starting point to contribute to the academic and political debate on *Bolsa Família* beneficiaries. This analysis relies on the opinions and experiences of individuals in these households rather than simply considering polling data. More importantly, this article draws on black feminist theory as a basis for the intersectional analysis.

### Black Feminist Theory

Black feminist theory provides a theoretical background to examine intersectional identities. Black feminist theory is concerned with black women's social, economic, and political marginalization in society due to their race, class, and gender among other identities. Their particular identity as black women provide them a unique way of seeing and engaging in the world. Patricia Hill Collins (1990) refers to black women's unique perspective as the outsider-within stance in which black women sometimes are viewed as insiders in certain spheres; an example being domestic workers where they are considered part of the family. At the same time, they are also outsiders. More importantly, they are insiders in a way that black men are not due to their race, class, and gender. They are also outsiders' due to those same intersectional identities. Their experiences and marginalization due to intersecting identities result in different perspectives of viewing the world including the political world.

Black women's intersectional identities lead them to have different economic, political, and social positions than other groups such as white men, white women, and black men. In 2014, white Brazilian men earned \$1383.24 USD while black and brown Brazilian women earned \$546.82 USD (Redação 2016).<sup>2</sup> In 2014, while there was a decrease in the wage gap, *negra* women still earned 40 percent less than white men. Although average salaries of Afro-Brazilians rose 51.4 percent between 2003 and 2013 compared to 27.8 percent for whites, Afro-Brazilians' incomes still amount to only 57.4 percent of whites' incomes (Lisboa 2014). Sexism plays a role in women's lives as they generally earn less than men. Women's incomes on average are 42.7% less than men's according to the United Nations Development Program (Waclawovsky 2018). In addition, Brazilian women tend to spend most of their working hours in household work which has no remuneration such as caring for children, elderly and sick relatives. Afro-Brazilian women are especially vulnerable as many hold low wage positions. For example, 65% of domestic workers are Afro-Brazilian women. While legislation has been passed entitling them to retirement and vacation days, pay is generally low and many domestic workers have low levels of education making it difficult to gain other forms of employment. In the Brazilian case, I would expect intersectional identities based on race, gender, and class to lead to different political behavior of individuals in *Bolsa Família* households.

This project seeks to integrate a black feminist perspective in analyzing the impact of intersectional identities on political opinions. Hancock (2007) proposes that researchers integrate intersectional approaches into their empirical research. Alexander-Floyd (2012) believes that research utilizing intersectionality as a framework should focus on black women as intersectionality stems from black feminism. In this vein, this article utilizes an

intersectional approach to consider some of the most vulnerable people in Brazilian society; black women in *Bolsa Família* households.

Brazilian black feminism is important to highlight how Afro-Brazilian women theorists articulate intersectionality. In the Brazilian context, black feminism acknowledges the role that race, class, aesthetics, and gender play in society and how Afro-Brazilian women are particularly marginalized due to racism, classism, and sexism (Gonzalez 1988, Nascimento 2009, Bairros 1991, Carneiro 2003). Sueli Carneiro (2003) challenges feminism that ignores the experiences of black women and does not challenge racial and gender domination. She advocates for a recognition of the “symbolic violence and oppression that whiteness as the hegemonic and privileged aesthetic standard has over non-white women (Carneiro 2003).” One’s physical appearance such as skin color, hair, nose, and lip size, shapes how one is perceived in society as well as their life chances. Those with dark skin or African physical features are generally viewed negatively and given less opportunities.

Important to understanding black feminism is that black women’s identities and experiences are informed by larger societal structures. Kimberlé Crenshaw (1991) argues in her theory of structural intersectionality, that intersecting identities shape experience and it is important to note that experiences shape identity. Those with marginalized identities are embedded in structures that perpetuate their marginality. Daniela Ikawa, who writes from an intersectional and critical race perspective, argues that in Brazil, many public policies have ignored the experiences of Afro-descendant women. She believes policies should be designed for “differently situated women” such as black women or poor black women. Their experiences lead to different policy needs. In Cecilia McCallum’s (2007) work on black women and white women activists in Brazil, she discusses “the formation of distinct subjectivities” as articulated by Creusa Maria de Oliveira. Oliveira is an Afro-Brazilian woman activist who directs the National Federation of Domestic Worker’s Labor Union (*Federação Nacional das Empregadas Domésticas*). Creusa believes there is a difference between the life experiences of poor black women and white women but also between black women based on class. High status black women have more class privilege than lower status or lower income black women. Although high status black women may not be subjected to the same types of classism as lower status black women, higher status black women may be conscious of sexism and racism in a way that high status white women may not. Given these differently situated women and their distinct subjectivities, it is possible black women’s political opinions and behavior will differ from those of brown women, white women, brown men, white men, and black men. In summary, black feminism in Brazil highlights intersectional identities based on race, class, gender, and aesthetics and how these identities lead to specific life experiences. I now turn to a discussion of racial policies and representation. This is followed by a discussion of the 2014 presidential election. Both discussions contextualize the debate about *Bolsa Família* as a form of clientelism.

### **Racial Policies and Political Representation**

Brazil has over 30 political parties that include leftist, moderate, and conservative parties. According to the Superior Electoral Court (*Tribunal Superior Eleitoral*), in 2018, there were 35 registered parties. Workers Party politicians have advocated for racial and social policies. During his time in office, Lula increased the number of black and brown Brazilian politicians at the national level. During Lula’s time in office he appointed about 90 Ministers. While less than ten percent of these appointees were Afro-Brazilian, he still appointed more Afro-Brazilians than his predecessors. During his first term, he created the Special Secretariat for Promoting

Policies of Racial Equality (SEPPIR) and appointed Matilde Ribeiro, an Afro-Brazilian woman, to lead it. He appointed Joaquim Benedito Barbosa Gomes to the Brazilian Supreme Court. Barbosa was the first Afro-Brazilian to ever serve on the court and later became the president of the Brazilian Supreme Court. He retired in 2014. Gilberto Gil, a well-known Afro-Brazilian singer, was chosen to head the Ministry of Culture. Benedita da Silva, an Afro-Brazilian woman was chosen as the Minister of Social Welfare. Silva is affiliated with the Workers Party and is known for addressing issues of race, class, and gender. She served as a senator and governor of Rio de Janeiro and is currently a Federal Deputy. Marina Silva was appointed to lead the Ministry of Environment. She served during Lula's first term. Silva ran for president in 2014 and 2018.

Dilma Rousseff took office in 2011 as Brazil's first woman president. When she came into office she did not appoint nearly as many Afro-Brazilians as Lula. However, she was supportive of racial and social policies such as *Bolsa Família*. In 2012, she signed legislation which requires all public federal universities to enact quotas for students from public schools and sub-quotas for black and brown students in proportion to state demographics. Both Lula and Rousseff supported the conditional cash transfer program, *Bolsa Família*. Rousseff also supported other social programs such as *Minha Casa, Minha Vida* (My Home, My Life), a program that provides public housing for low income families. It also allows low income families financing options to buy a government constructed house or renovate their home. The program began when Lula was in office but continued to grow under Rousseff. These are all programs that greatly benefitted Afro-Brazilians.

### **Rousseff's 2010 and 2014 Elections**

Rousseff's first successful presidential win was largely due to Lula's endorsement. Lula had one of the highest satisfaction levels of a president in the world. While Rousseff was not as charismatic as Lula, she had government experience which aided in her successful election. She was an activist during the military dictatorship and had been tortured in the 1970s. This experience allowed her to make claim to her belief in and commitment to democracy by struggling against authoritarianism. Rousseff's 2014 re-election was mired in unexpected events and negative campaigning. Presidential candidate Eduardo Campos, of the Brazilian Socialist Party (PSB) was killed in an airplane crash. Subsequently, his party chose Marina Silva, an Evangelical Christian and environmentalist to run. In the first round, Silva received twenty-one percent of the vote. After Rousseff realized Silva was gaining popularity, she began to air negative advertisements and these were quite effective in allowing her to gain a lead. In the first round, Rousseff won 59.6% of the vote and Aécio Neves 15.4% of the vote. One aspect of the campaign that is relevant to this article is how newspaper and social media outlets and voters discussed *Bolsa Família* beneficiaries. Rousseff was criticized for receiving support in areas with a high percentage of *Bolsa Família* beneficiaries. Yet in municipalities that did not have a high number of beneficiaries, she still won therefore it was not entirely true that voting was solely based on a high percentage of *Bolsa Família* beneficiaries (Vasconcelos 2014). In addition, in the second round, the increase in votes were in municipalities that were not highly dependent on *Bolsa Família* (Mendonça 2014). Finally, although Rousseff won the 2014 election, there was an unstable relationship between Rousseff and her Vice President, Michel Temer. Temer is from the Brazilian Democratic Movement Party (PMDB), a centrist political party. She was impeached in 2016 and Temer became president. He was among those that advocated for her impeachment. She was impeached on charges of corruption because of manipulating



the federal budget. This was a practice of predecessors' but some people believe this is one example of the role sexism played in her time in office as she was held to a different standard than male presidents. She was not found guilty of being involved in the *Operação Lava Jato*, the Operation Carwash corruption case involving the state run PetroBras oil company. There have been several politicians from political parties across the political spectrum, including the PT that have been implicated in corruption. While many politicians from conservative parties supported Rousseff's impeachment, the fact that some PT politicians were also involved in bribes tarnished the image of the Worker's party. While non-PT politicians were involved in the scandal, in a political climate where white elite Brazilians had already broken from the PT this gave them more ammunition to portray the PT as a corrupt political party and as a party that did not represent their interests nor the interests of the nation. The alliance between a leftist and centrist political party put additional strain on Rousseff's presidency. The *Bolsa Família* program was responsible for lifting millions of Brazilians out of poverty yet because of Temer's austerity measures to decrease spending, some citizens have lost access to the *Bolsa Família* program and are falling back into poverty.

It is important to mention that sexism played a role in Rousseff's impeachment and during her time in office. This is a claim that even Rousseff made in post-impeachment interviews. She was perceived as hard and aggressive in the media. There are also examples of media coverage portraying her as unhinged, such as the "Isto É" magazine's cover photo showing her screaming; calling her a "nervous explosion (Cardoso 2016)." During the vote to impeach her, some people held signs that said "Bye, Dear" or *Thcau, Querida* thus demeaning her position as president. In addition, Bolsonaro, who at the time was a congressman, voted for her impeachment and said he dedicated his vote to Carlos Brilhante Ustra, a torturer during the dictatorship. Stocker and Dalmaso (2016) find that on *Folha de São Paulo's* Facebook page, 56% of comments made about Rousseff demonstrated gender prejudice. Thus, throughout her time in office and during the impeachment, sexism played a role in Rousseff's political career as demonstrated by the sexist treatment of politicians, the media, and some in civil society. Given that Afro-Brazilian women also suffer sexism, it is reasonable to assume they would be empathetic to the sexism Rousseff endured. However, because Afro-Brazilian women also suffer from racism and classism, these experiences may lead to varying political worldviews. I now turn to the hypotheses and data analysis.

### Hypothesis

In the descriptive statistics, I compare black men, black women, brown men, and brown women living in *Bolsa Família* households to those in non-*Bolsa Família* households, and white women and white men in *Bolsa Família* and non-*Bolsa Família* households. The logistic regression analyses are restricted to *Bolsa Família* households. I am interested in whether these identities lead to different levels of satisfaction of Dilma Rousseff. The first hypothesis is that black women in *Bolsa Família* households will be less satisfied with Rousseff than other groupings based on race and gender. Black women are most penalized in the labor market therefore it is likely their outsider-within stance will lead to a more critical stance of Rousseff. Penalties in the labor market are the result of racism, classism, and sexism. Additionally, Brazil is a pigmentocracy where individuals with dark skin and or African features are penalized more harshly in the labor market as evidenced by lower wages and unemployment. Layton and Smith (2017) find that considering all Brazilians, women with darker skin tones are more likely to perceive class, gender, and racial discrimination. Consequently, I believe self-identified black



(*preta*) women will be less satisfied with Rousseff as they are most penalized in the labor market and may still have needs such as violence in their communities, execution of young black people in their communities, and quality education for their children, even if living in households that receive *Bolsa Família* assistance.

The second hypothesis is that individuals who have experienced discrimination will be less trustworthy of the Brazilian political system. Discrimination adversely affects political trust (Castro 2008; Mitchell 2007). Michael Castro (2008) finds that discrimination affects satisfaction of democracy throughout Latin America including Brazil. He relies upon the Latin American barometer and uses statistical analysis to support this claim. Michael Mitchell (2007) finds that non-whites are more likely to claim there is a lot of discrimination in the workplace, schools, police, the courts and political parties. For this reason, it is likely that those in extremely vulnerable positions such as those living in *Bolsa Família* households will be less trustful of the political system.

### Descriptive Statistics

In the 2012 sample, considering whites, blacks, and browns, 18 percent of respondents live in households where someone receives *Bolsa Família*. The survey does not ask if the respondent receives *Bolsa Família*; rather if they live in a household where someone receives *Bolsa Família*. In households receiving *Bolsa Família*, 61 percent of respondents are brown, 20 percent are black, and 19 percent are white. In other words, 81 percent of *Bolsa Família* households in this sample are brown and black which mirrors the general population where 73 percent of *Bolsa Família* recipients are brown and black.

Considering descriptive statistics, I examine assessment of Rousseff in the general population. The survey question asks, “Speaking of the current government, what do you think of the work of President Dilma?” Respondents could choose very good, good, neither good nor bad (regular), bad, or very bad. Considering whites, blacks, and browns, 50% of respondents said good (Table 1). An additional 10% said very good. Subsequently, 60% of these respondents said President Rousseff did a very good or good job. Less than 2% of respondents said Rousseff was doing a very bad or bad job.

Table 1 Assessment of Rousseff’s Job in Office Among General Population

Assessment	%
Very good	10
Good	50
Neither good, nor bad	34
Bad	4
Very bad	2
Total	100
N	1397

Table 2 Assessment of Rousseff (*Bolsa Família* households and non-*Bolsa Família* households)

	Bolsa Família household (%)	Non-Bolsa Família household (%)*
Very good	15	9
Good	50	50
Neither good, nor bad	28	36
Bad	5	4
Very bad	2	2
Total	100	101
N	252	1140

Percentages were rounded up

Considering *Bolsa Família* and non-*Bolsa Família* households, 50% of individuals in a household receiving *Bolsa Família* believe Rousseff is doing a good job and the same percentage, 50% of those in non-*Bolsa Família* households believe she is doing a good job (Table 2). Only 7% of individuals in *Bolsa Família* households believe Rousseff is doing a bad or very bad job compared to 6% of those in non-*Bolsa Família* households. This is a very small difference. Considering the claim that Rousseff won due to *Bolsa Família* beneficiaries, we would expect differences in assessment of Rousseff's performance. However, there are no significant differences when considering assessment of respondents living in *Bolsa Família* households versus those who do not live in these households.

Relying on descriptive statistics, I am now interested in whether there are differences in levels of support of individuals in *Bolsa Família* households compared to non-*Bolsa Família* households considering the intersection of race and gender. Like Zucco and Power's (2013) finding that there were differences in support of Lula based on *Bolsa Família* beneficiaries and those not receiving the program, I find differences in assessment of Rousseff among those in *Bolsa Família* households and those not in these households. However, the results are in the opposite direction of Zucco and Power's findings as the descriptive statistics account for intersectional identities.

A cross tabulation of *Bolsa Família* households reveals differences in satisfaction based on intersectional identities. I focus on respondents who choose bad or very bad and consider this dissatisfaction. Black women in *Bolsa Família* households have the highest percentage of dissatisfaction. Black men in *Bolsa Família* households have the next highest percentage of dissatisfaction. An astounding 25 percent of black women in *Bolsa Família* households and 20 percent of black men in *Bolsa Família* households are dissatisfied with Rousseff (Table 3). If it were true that low income people simply supported the president as clients in a clientelistic relationship, one would not expect black women in *Bolsa Família* households to be more dissatisfied than those in non-*Bolsa Família* households.

Black women in *Bolsa Família* households are 6.3 times more likely to be dissatisfied with Rousseff compared to white men in *Bolsa Família* households. Despite media portrayals of black and brown women *Bolsa Família* beneficiaries as lazy and unintelligent voters and academic arguments that *Bolsa Família* recipients simply vote on the basis of patron-client relations, these descriptive statistics tell a different story. I believe black women in *Bolsa Família* households compared to other racial and gender groupings in *Bolsa Família* households are

more critical due to their intersectional identities and their “outsider within” position in society. Because black women are acutely aware of and attuned to various forms of discrimination and marginalization, they may be more dissatisfied with Rousseff despite that she was from a progressive leftist political party. Issues such as police violence against Afro-Brazilians and a lack of employment opportunities may explain dissatisfaction among one-quarter of black women *Bolsa Família* beneficiaries. I do note, that when analyzing the 2014 Lapop data, the statistics differ and blacks are not those most dissatisfied. I believe this change was due to the public critiques of Rousseff which included sexist remarks about her. In this sense, economically vulnerable black women were able to empathize with her and were less critical. A social policy such as *Bolsa Família* may aid families in some aspects of their lives but may not adequately address severe economic and social marginalization. Mitchell-Walthour (2017) finds that Afro-Brazilians who faced discrimination are more economically pessimistic than those who have not faced racial discrimination. Considering that black women may face skin color discrimination, gender discrimination, and some may face classism, the ways in which they are marginalized are fundamentally different than other racial and gender groupings. In fact, De Micheli (2017) finds that income inequality exists along racial lines among *Bolsa Família* beneficiaries. Economic inequality within individuals in *Bolsa Família* households, may lead to differing experiences in society as well as different political outlooks.

Table 3 Dissatisfaction of Dilma Rousseff (% within each grouping)

	Very bad and bad (%)*
<i>Bolsa Família</i> black women	25
<i>Bolsa Família</i> brown women	2
<i>Bolsa Família</i> white women	4
<i>Bolsa Família</i> black men	20
<i>Bolsa Família</i> brown men	2
<i>Bolsa Família</i> white men	13
Non <i>Bolsa Família</i> black women	11
Non <i>Bolsa Família</i> brown women	3
Non <i>Bolsa Família</i> white women	6
Non <i>Bolsa Família</i> black men	2
Non <i>Bolsa Família</i> brown men	7
Non <i>Bolsa Família</i> white men	5
N=1392	

2012 Latin American Political Opinion Project Survey

\*Percentages have been rounded up.

Without challenging structures of domination that maintain low-income black women’s struggles, broad-based social programs are useful but do not speak to their struggles. Sueli Carneiro’s idea that class-based initiatives should include racial and gender components is useful to understand why individuals living in households that benefit from a class-based program may be dissatisfied with Rousseff.

In summary, the descriptive statistics show that in the general population, most

respondents believe Rousseff was doing a very good or good job. There is little difference in assessing Rousseff's work in office when considering *Bolsa Família* households and non-*Bolsa Família* households. However, considering the intersection of race and gender and whether one lives in a *Bolsa Família* household or non-*Bolsa Família* household, differences emerge. Black women and black men living in *Bolsa Família* households are most critical of Rousseff. In fact, black women in *Bolsa Família* households have the highest percentage of dissatisfaction of Rousseff than any other racial and gender grouping.

### **Ordered Logistic Regression Result of Satisfaction of Rousseff**

To test the role of intersectional identities of race and gender I analyze satisfaction of Dilma Rousseff controlling for geographic location (rural or urban), age, gender, income, education, political party, and experiencing discrimination. I ran an ordered logistic regression analysis where satisfaction of Rousseff is the dependent variable and independent variables are racial identification, education, income, discrimination, geographic location as rural or urban, age, gender, political party, and the interaction variable of racial identification and gender. Only political party is statistically significant (Table 4). The variable discrimination is based on the variable discrimination in government buildings. The other discrimination variables in the survey were discrimination in public places and discrimination in school or work making discrimination in government buildings the most appropriate.

The sample size is greatly reduced because it is limited to *Bolsa Família* beneficiaries. Some respondents did not identify a political party which also decreased the sample size. The one respondent identifying with the PT said Rousseff was neither doing a good or bad job in office. The one respondent affiliated with the Communist Party of Brazil (PCDoB), a leftist party, said Rousseff was doing a good job and the one respondent affiliated with the Socialist Democratic Party of Brazil (PSDB), a leftist party, said she was doing a very good job. Half of respondents in the Green Party (PV), a leftist party, said she was doing neither a good or bad job while the other half said she was doing a bad job. The one respondent in the Progressive Party, a conservative party, said she was doing neither a good or bad job while 33.3% of respondents affiliated with the Popular Socialist Party (PPS), a leftist political party said she was doing a good job, another 33.3 percent said neither good nor bad and the remaining said she was doing a bad job.

In summary, after controlling for political party, age, the intersection of race and gender, geographic location, and skin color discrimination, the interaction of race and gender is not statistically significant. In this regression, there is no support for the hypothesis that black women in *Bolsa Família* households are more likely than other racial and gender groupings to have negative assessments of Rousseff. Political party is statistically significant. The sample size is extremely small as the *Bolsa Família* sample is a sub-sample of a larger sample. Qualitative in-depth interviews with *Bolsa Família* beneficiaries would better capture how Afro-Brazilian women beneficiaries feel about Rousseff and the *Bolsa Família* program. This survey is limited to individuals who live in a household where someone receives *Bolsa Família* rather than the survey asking respondents if they receive *Bolsa Família*. Qualitative research would better reveal why respondents are satisfied or dissatisfied with Rousseff.

Table 4 Odds Ratios of Satisfaction of Dilma Rousseff

Independent Variables	
Racial Identification (white, brown, black)	.84 (.93)
Income	1.10 (.07)
Education	1.04 (.10)
Gender	.86 (1.30)
Age	1.01 (.02)
Urban/Rural	1.11 (.69)
Discrimination	.91 (.62)
Political Party	1.27* (.13)
Racial identification* Gender	1.05 (.75)

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 \_\_ LAPOP 2012 Version 1

PseudR2.1849

N 71

\*P&lt;.05

\*\*P&lt;.01

\*\*\*P&lt;.001

Note: Numbers in parenthesis are Standard Errors

### Political Trust and *Bolsa Família* Beneficiaries

I now test the second hypothesis that individuals in *Bolsa Família* households who have experienced discrimination will have less trust in the Brazilian political system. I control for income, education, racial identification, age, skin color discrimination, and geographic location. The survey question utilized is, “Do you believe the basic rights of citizens are protected by the political system?” Respondents could choose 1 through 7 where 1 is none and 7 is a lot. Descriptive statistics reveal that respondents in *Bolsa Família* households are more likely to feel protected by the Brazilian political system than respondents in non-*Bolsa Família* households. Thirty-seven percent of respondents in *Bolsa Família* households believe their rights are protected compared to 25% of respondents in non-*Bolsa Família* households (Table 5). This finding is consistent with the literature that *Bolsa Família* beneficiaries support Worker’s Party politicians such as Lula or Rousseff. In this case, Rousseff was the president at the time of the survey, so it is possible individuals in *Bolsa Família* households were more likely to believe their rights were protected by the political system since she was in office.

Table 5 Belief that citizen rights are protected by the government and *Bolsa Família* household status (%)

	<i>Bolsa Família</i> household	<i>nonBolsa Família</i> household
Not Protected (1-3)	47	54
4	16	21
Protected (5-7)	37	25
Total	100	100

However, when considering if a respondent ever felt discriminated against in a government building and political trust, differences emerge among individuals in *Bolsa Família* households and non-*Bolsa Família* households in the direction I expect. Of those who have experienced discrimination, 68% of these respondents believe the basic rights of citizens are not protected by the government. Considering respondents who never experienced discrimination, 45% believe the basic rights of citizens are not protected by the government.

### Ordinal Logistic Regression and *Bolsa Família*

In the ordinal logistical regression analysis, I find that only discrimination is statistically significant. The interaction variable of race and gender is not statically significant. Respondents who have not experienced discrimination are 749% more likely to feel they are protected by the political system (Table 6). This finding is consistent with Mitchell's (2007) finding that Brazilians who have experienced discrimination hold less trust in political institutions. It is also consistent with Mitchell-Walthour's (2012) finding that Afro-Brazilians who have experienced discrimination have lower ratings of democracy than those who have never experienced discrimination.

### Conclusion

In conclusion, this article examines the impact of intersectional identities of race and gender and the experience of discrimination an assessment of former president Dilma Rousseff and political trust in the Brazilian political system. While black women in *Bolsa Família* households have the highest level of low assessments of Rousseff, when control variables are introduced in an ordinal logistic regression, this variable is not statistically significant. When examining political trust, experiencing discrimination is statistically significant. These findings show that when considering *Bolsa Família* voter support or assessment of politicians', researchers need to go beyond polling results and should consider racialized and gendered experiences of these voters especially given that most *Bolsa Família* beneficiaries are Afro-Brazilian women. This exploratory paper should be considered a starting point for both quantitative and qualitative studies to further explore the implications of intersectional identities and discrimination within a black feminist framework. This line of research is especially pertinent given the 2018 presidential election of right-wing politician, Jair Bolsonaro. He has made derogatory statements about women, Afro-Brazilians, and the LGBTQ community. In the past, he portrayed *Bolsa Família* beneficiaries as lazy and undeserving. While he claims he will continue to support the program, his political trajectory poses a dangerous threat to Brazilian democracy and economically vulnerable populations such as low-income Afro-Brazilian women. While northeastern states such as Bahia mainly supported the PT presidential candidate, Fernando Haddad, there were



some Afro-Brazilians that cast a vote against their interests by casting a vote for Bolsonaro as he gained some voter support because of his tough-against-crime discourse. Much of his rhetoric about criminals was racist and anti-black. He also publicly displayed homophobic and misogynist rhetoric. Analyzing the political opinions of Afro-Brazilian women is especially important as these studies can benefit black Brazilian activists committed to progressive policies.

Table 6 Odds Ratios of Trust in the Brazilian Political System

Independent Variables	
Racial Identification (white, brown, black)	1.13 (.53)
Income	.97 (.06)
Education	.91 (.09)
Gender	.94 (1.11)
Age	.98 (.02)
Urban/Rural	1.38 (.87)
Discrimination in government buildings	8.49** (5.45)
Racial identification* Gender	1.06 (.33)
Political Party	.94 (.05)
LAPOP 2012 Version 1	
Pseud R2 .0643	
N 74	
*P<.05	
**P<.01	
***P<.001	

Note: Numbers in parenthesis are Standard Errors

### Notes

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2. These earnings were converted based on the Organization for Economic Cooperation and Development's 2014 purchasing power parity of 1.730.

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## Racial Advocacy and Bill Sponsorship in State Legislative Politics

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### Abstract

Contemporary scholarship on legislative state policymaking suggests that Black legislators and women introduce bills which reflect their group interests. The present study seeks to determine whether or not a similar pattern in bill sponsorship behavior is evident among Ohio state legislators during the 2015-2016 legislative session. In particular, bill sponsorship activity of Black and White state legislators is analyzed to assess the extent to which racial advocacy issues are substantively addressed in the Ohio state legislature. The theoretical expectation is that Black legislators will disproportionately introduce racially salient legislation compared to White legislators who will be less likely to sponsor race-based legislation. A central aspect of the study is to evaluate the effects of competing explanations, such as race of legislator and party status upon the agenda-setting behavior of state legislators. Based upon original data of all legislative bills introduced in the Ohio legislature in the 2015-2016 session, the findings indicate that African American legislators actively pursue racial advocacy issues despite serving as a major bloc of the minority party in the state legislature.

**Keywords:** racial representation, descriptive representation, substantive representation, state legislative politics, bill sponsorship, state legislative coalitions, minority representation, intersectionality in state legislative politics

### Introduction

Using a case study approach, the present research is an empirical analysis of the bill sponsorship behavior of state legislators. Bill sponsorship patterns of Black<sup>1</sup> and White state legislators are analyzed to assess the extent to which racial advocacy issues are substantively addressed in the Ohio state legislature. Essentially, the study seeks to understand the key variables which shape bill sponsorship behavior in state legislative politics in Ohio. A series of demographic, partisan and constituency characteristics are used to predict bill sponsorship behavior. The central theoretical claim is that descriptive characteristics of legislators are the key motivating factor influencing the agenda-setting activity of state legislators. An underlying basis for the expectation of racial differences in bill sponsorship is linked to the ideas of social group identity and group consciousness.

A core scholarship issue within the debate on racial representation in legislatures is which variable, race or party of legislator, better explains support for minority interests in legislatures. Mixed perspectives about the influences of race and party have been more substantially documented within the studies on congressional representation as opposed to state legislative politics. Grose (2005), for example, analyzed the separate effects of race and party of legislator as well as Black district population upon congressional roll call voting. His empirical study indicated that race was the most significant variable affecting congressional voting. Hence, congressional scholars who study racial representation argue that descriptive representation is necessary for promoting substantive representation of Black interests (Grose 2005, 2011; Whitby 1997; Mansbridge 1999; Lublin 1997).

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However, within the state legislative literature, research is lacking in unraveling the effects of party and race upon bill sponsorship activity. An exception is the study on state-level bill sponsorship by Haynie (2001) who argues that legislators' race is the most salient variable impacting representation and responsiveness of Black interests in state legislatures. Still, very limited efforts have been made to differentiate the impacts of race and party upon state legislative behavior especially after the 2010 reapportionment process which consolidated Republican gains in American state legislatures. A critical concern, therefore, of the present study is the extent to which racial minorities are effective in proposing race-based legislation when they constitute a major bloc of the minority party. Central research questions include the following: Do African American legislators intensify their efforts to represent racial group interests under minority party status? Or Do African American legislators abandon racial advocacy and adopt a more mainstream legislative agenda devoid of racial concerns as a part of the minority party in state legislatures? Rocca and Sanchez (2008) assess that racial minority legislators (African American and Latinos) sponsor fewer bills when they are comprised of the minority party in Congress.

The presence of minority legislators in lawmaking institutions is a necessary condition for the advocacy of underrepresented group interests. Mansbridge (1999) articulates the theoretical value and efficacy of descriptive representation. According to her representational theory, women and racial minorities in lawmaking institutions are necessary to provide "deliberative democracy". She argues descriptive representatives provide a distinctive style of governance and creates a "social meaning" of the ability to govern in legislative bodies. They crystallize and articulate issues that are typically ignored in the legislative process. Inclusion of marginalized group interests within state policymaking is a means to assess the effectiveness of a representative democracy. Norms of democratic theory and practice are significantly compromised without equitable and fair representation of minorities.

An investigation into the nature of bill sponsorship activity within state legislatures is important because state legislators play a major role in producing legislative outcomes which affects the socioeconomic well-being of their constituents. African American legislators, in particular, are confronted with the expectation of promoting legislation which results in improving the plight of Black constituents by engaging in legislative advocacy which enhances the economic, social and political standing of minority communities.

Additionally, state legislators have the ability to affect state-level legislative agendas by promoting bills which address issues of social and racial equality. Increasing devolution of policy responsibility to state legislatures potentially provides an opportunity to articulate concerns that will improve socioeconomic conditions of racial minorities. King-Meadows and Schaller (2006) note that Black state legislators play a critical role in the policymaking process that affect the livelihood of African American constituents. Ultimately, depending upon the effectiveness of African American state legislators to advocate for minority group interests determines the extent to which policy interests of racial minorities are politically incorporated within the legislative decisionmaking process. A substantial body of the existing literature notes that the presence of descriptive representatives is important for the development of substantive policy outcomes.

### **Review of the Literature**

Extant literature on bill sponsorship behavior in legislative institutions indicates that minority legislators advocate a policy agency which consists of racial advocacy issues. A limitation of past research is that the majority of studies analyze racial differences in agenda setting and bill sponsorship activity at the congressional level. In contrast, few systematic



efforts have sought to understand how competing factors, such as race of legislator and minority party status of African American legislators impact their bill sponsorship activity in state legislatures. An exception is the empirical study by Bratton and Haynie (1999) who argue that the descriptive model of representation is the most influential affecting the bill sponsorship patterns of state legislators and trumps both constituency and party interests. Further, analyzing five state legislatures over three time periods, Haynie (2001) found that Black legislators disproportionately introduce Black interest bills compared to White state legislators.

A growing body of research also has empirically tested the effects of race and gender upon bill sponsorship behavior of state legislators (Adams 2003; Barrett, 1995; Orey et al. 2006; Brown and Banks 2013). For example, in their study of bill introductions within the Mississippi House of Representatives, Orey et al. (2006) found that Black state legislators, specifically African American female state legislators, are more inclined to introduce progressive legislation in the interests of Blacks. Adams' (2003) multi-state study on the bill sponsorship patterns of state legislators also indicate that African American legislators are substantially more likely to introduce minority interest legislation than White legislators. Brown and Banks (2014) argue that African American women outrank other race-gendered groups in their support of Black interests.

### **Theory and Key Hypotheses**

While theories of group consciousness and linked fate perceptions have been key explanations of minority electoral participation, the nascent research on racial representation in legislative politics has largely neglected to underscore the theoretical importance of group consciousness in understanding state legislative representation and behavior. A few exceptions include the work on bill sponsorship by Brown and Banks (2014) and Bratton and Rouse (2011).

In this research, I propose a theoretical framework which suggests that the interplay between social group identity and group consciousness are pivotal explanations why African American state legislators tend to support a race-based legislative agenda. Group consciousness, therefore, is a key factor shaping the legislative agendas of African American state legislators. According to Miller, Gurin, Gurin and Malanchuk (1981), group consciousness refers to political identity with a particular group which significantly affects political participation and behavior. African American legislators' advocacy of racial issues are fostered by shared historical and life experiences with Black constituents. Shingles' (1981) classic study on black group consciousness assesses the importance of the phenomenon in policy-related participation. Drawing up this logic related to group consciousness effects upon political behavior, I put forth the following hypotheses:

*H1: The first hypothesis is that African American state legislators are more likely to sponsor legislation addressing racial justice issues compared to nonBlack state legislators even under conditions of minority party status.*

A substantial body of research exists within congressional politics and to a lesser extent in state legislative politics about which factor, race or party of legislator, shapes substantive representation (Grose 2005; Swain 1995; Tate 2001; Whitby 1997). One side of the scholarly debate argues that substantive representation of Black interests is intricately linked to descriptive representatives. Hence, legislators' race is the key factor affecting bill sponsorship and roll call voting behavior of legislators. On the other side, research suggests party is the main factor influencing substantive representation of Black interests (Swain 1995). Therefore, a second theoretical expectation is as follows:

*H2: Race trumps party in the representation of minority interests in Republican controlled legislatures.*

Richard Fenno (2003) contend that Black legislators engage in an intensive group representational style in promoting racial group interests. Sponsoring legislative proposals that benefit overall minority group interests is viewed as a priority of African American legislators especially given the nature of their constituency which generally consists of a high proportion of African Americans. Essentially, Bratton and Rouse (2011), in their analysis of bill sponsorship and co-sponsorship networks argue that agenda setting is group activity which is significantly driven by social group identity.

A third hypothesis tests for combined effects of race and gender upon bill sponsorship activity. Intersectionality research in state legislative politics indicates that Black women legislators, in particular, support a distinctive policy agenda. For example, Edith Barrett (1995) analysis of the dual effects of race and gender upon policy priorities indicated that African American women are the strongest proponents of both women and minority interests. According to Barrett (1995), African American women support a unified agenda focused on issues such as economic development, education, and healthcare. Brown and Banks (2014) empirical investigation of the Maryland state legislature found that African American women in comparison to other race-gendered groups were the most active in advocating for substantive policy interests of African Americans. They contend that intersectionality of race and gender identities of African American women is a central factor in their representation of minority interests and in particular, minority women issues. Thus, the theoretical claim that African American women are prime proponents of racial justice legislation is rooted in the “dualism” of both racial and gender minority status resulting in the greater propensity of African American women experiencing discrimination and disadvantage. Scholars have argued that the “double disadvantage” African American women face constitutes a basis why they are more likely to advance a distinct policy perspectives grounded in issues of racial and gender identities as state legislators (Moncrief et al., 1991). Recognizing the complexities of the intersection of race and gender identities within the framework of “double disadvantage”, research indicates that although the nuances of gender are important, racial identification is a salient predictor of the liberal policy agenda of African American women (Gay and Tate, 1998).

*H3: African American women state legislators will be significantly more likely to sponsor a policy agenda involving racial justice legislation relative to other race-gendered groups (e.g., white males, black males, white females).*

### **Data and Methods**

The present analysis is based upon original data of legislative bills introduced in the Ohio legislature during the 2015-2016 legislative session (i.e., 131<sup>st</sup> General Assembly). The 2015-2016 session was selected to estimate the extent to which racial advocacy occurs when African American legislators serve under minority party conditions. The total number of bills sponsored was 800. The dependent variable, bill sponsorship, is measured as a dichotomous variable as the presence or absence of positive racial content. Legislation depicting issues of racial advocacy and justice were coded as 1 while bill introductions with anti-racial content or devoid of racial content were coded as 0. Anti-racial content refers to legislative bills which were antithetical to the social, racial and economic equality and advancement of African Americans. Each bill was coded and analyzed on the basis of whether or not it contained

positive racially salient content in the interests of African Americans as well as other racial minorities. Specifically, legislative proposals which seek to promote racial equity and equal rights were of central importance.

All bills introduced by the primary sponsor were coded according to racial content. Bills with positive racial content sponsored by each legislator was coded as part of the analysis. Examples of bills which contained racially salient content included prison and criminal justice reform, voting rights, minority socioeconomic empowerment and social welfare.

Further, legislative bills with no positive racial content sponsored by each legislator was coded for the analysis. The race of the legislator was coded as a dichotomous variable: Nonblack Legislator=0 and Black Legislator=1. I created dummy variables to categorize the primary sponsor of each piece of legislation according to race and race-gendered groups: African American male, African American female, White male, and White female. I created an interaction between race and gender to discern intergroup differences in bill sponsorship patterns among African American female legislators compared to other race-gendered groups to test the claim borne out of the extant literature that African American female legislators introduce Black interest legislation at a greater rate than African American male legislators (Adams 2003; Barrett Orey et al. 2006; Brown and Banks 2013).

Data for the covariates derive from varied sources. Demographic information, such as race of the legislator was extracted from legislative records and websites of the Ohio General Assembly. In addition, census data were used to estimate district characteristics measured as percent Black voting age population and percent urban in districts. I employ a series of demographic and constituency characteristics including race and party of legislator, Black voting-age population, percent urban in district and legislator's seniority (measured as years in office) as covariates. District characteristics are estimated because research suggests that constituency factors also impact bill sponsorship activity.

Logistic regression was performed to discern the statistical significance of race and gender upon bill introductions of racial justice legislation. Four models were estimated to test for the key hypothesized relationships noted above. The first model considers the influence of race upon bill sponsorship of racial justice legislation. The second model test for gender effects and the third model includes race and gender separately. The fourth model reports the statistical significance of intersectionality between race and gender upon race-based bill sponsorship.

### Findings and Results

Substantive findings corroborate past research in that race of the legislator is the most significant factor in the proposal of racial justice legislation. African American Ohio state legislators are the strongest proponents of racial justice legislation. The odds-ratio shows that African American legislators, in general, sponsor racial justice bills by a factor of 2.718. They are key players in the Ohio legislature shaping the dynamics of racial advocacy and agenda setting in an effort to improve the plight of the African American community. Most notably, as shown in Model 2, African American female legislators are the strongest champions of racial justice legislation.

Results also indicate that despite their minority party status, African American state legislators continue to fight for racial justice through their bill sponsorship activity. In contrast, results indicate that Republican legislators are significantly less likely to introduce racial justice legislation compared to Democratic legislators; odds ratio is .039. In comparison to party, the constituency characteristic variable, the proportion black voting age population was significant

at the .05 level and in the expected direction. Substantive results, therefore, suggests that descriptive representation is a key requisite for substantive representation of minority interests in the Ohio state legislature. To some extent, there is evidence to support hypotheses 1 and 2 as outlined above. In model three, race and gender are included separately. The party variable performs in accordance to expectation and reinforce the findings noted previously. Principal warriors for racial justice are Democratic legislators as opposed to Republican state legislators. While all African American legislators were Democrats in the 2015-2016 legislative session, the

Table 1: Logistic Regression of Racial Justice Bill Sponsorship

Variable	Model 1		Model 2		Model 3	
	B	OR	B	OR	B	
OR						
Party (Rep=1) .044	-3.226 (.634)	.040	-3.250* (.628)	.039	-3.126* (.639)	
%BLK VAP 1.015	.010 (.011)	1.010	.026* (.007)	1.027	.015 (.012)	
Seniority .889	-1.08 (.083)	.898	-.128 (.081)	.880	-.118 (.882)	
%Urban 1.008	.012 (.008)	1.012	.009 (.008)	1.009	.008 (.008)	
Race (Black=1) 1.981	1.000* (.485)	2.718			.684 (.538)	
Gender (Female=1) 1.667			.728* (.347)	2.071	.511 (.390)	
Constant	-2.595					
Observations	800					
Cox and Snell R Square	.166		.167		.167	
Nagelkerke R Square	.404		.408		.408	

\*p<0.05

Standard errors in parentheses

data indicate that they worked in concert with progressive white liberals to obtain support and advocacy of racial justice legislation, in particular for criminal justice reform and voting rights. Interracial coalitions among African American state legislators were central to illuminating the importance of racial justice concerns. Albeit, intraracial coalitions with white Democratic legislators were vital to the promotion and success of racial justice bill sponsorship activity in the Ohio General Assembly. Under a period of minority party status, both intraracial and interracial progressive coalitions were necessary conditions for the advocacy of racial justice issues.

Model four is based upon the interaction between gender and race of legislator in the propensity to support racial justice legislation. The findings reported here suggests lack of significance regarding bill introductions based upon race-gendered groups. Substantive results yield no concrete evidence to fully substantiate hypothesis three which proposes that African American female legislators will advocate more vigorously for racial justice issues compared to other groups. In the intersectionality model, odds of sponsoring racial justice bills hinge upon constituency characteristics, such as percent Black voting age population in a district. Overall, the results reported here indicate that the descriptive model (baseline) is the most salient factor for determining support for racial justice legislation and potentially rival other considerations, such as party.

### Conclusion

At present, the research suggests that African American state legislators are key advocates of racial justice legislation in the Ohio state legislature. They are significantly more like to introduce bill proposals involving racial justice and social reform in comparison to nonminority state legislators. Race of legislator in comparison to party is a necessary condition for the sponsorship of raced-based legislation. Thus, I find that in an American state legislature where African American legislators make up the partisan minority, they are largely supportive of introducing bills that potentially have direct and indirect consequences for protecting racial group interests.

I note that the ideas of social group identity and group consciousness are important ideas for understanding the basis for racial advocacy and bill sponsorship behavior of African American state legislators. Shared fate and collective racial injustices are underlying explanations why African American state legislators are the leading spokespersons for racial justice. Thus, this research substantiates the view that descriptive representation enhances substantive representation of traditionally underrepresented groups.

Overall, it appears that both African American females and African American males in the Ohio state legislature work in concert to introduce racial justice legislation. Qualitatively, African American state legislators in Ohio appear to propose a legislative agenda which reflects both traditional and post-civil rights concerns. Among some of the major legislative bill introductions of African American legislators during the 131<sup>st</sup> legislative session include voting rights, minority economic empowerment, and prison and criminal justice reform. Many of the issues, such as protection of voting rights and police-community relations, articulated by Black legislators are direct and indirect consequences of incidents within the current political environment disproportionately affecting the African American community. For example, as a collective group, African American legislators in Ohio have responded vigorously to efforts by members within the legislature who seek to push initiatives to further restrict voting rights of underrepresented group members. They have waged a campaign to protect minority voting rights and to attack voter suppression efforts.

Strong reactions to recent Supreme Court decisions, such *Shelby County, Alabama v. Holder* (2013) which invalidated key provisions in the Voting Rights Act have motivated African American state legislators in Ohio to pursue strategies to protect the voting strength of minorities. Given heightened awareness of issues involving minority police-community relations, they have prioritize this as a major issue in terms of bill introductions. At the same time, despite challenges from the Republicans which have proposed counter measures that potentially undermine racial and social reform, African Americans continue to pursue an agenda-setting strategy which focuses on racial and economic justice.

Table 2: Logistic Regression of Racial Justice Bill Sponsorship (Gender and Race Interaction)

Variable	Model 4	
	B	OR
Party (Rep=1)	-3.479 (.623)	.031
%BLK VAP	.025* (.008)	1.025
Seniority	-1.09 (.083)	.896
%Urban	.014 (.008)	1.014
Gender x Race	.158 (.387)	1.171
Constant	-2.720	
Observations	800	
Cox and Snell R Square	.161	
Nagelkerke R Square	.393	

\*p<0.05

Standard errors in parentheses

### Future Research

Future research in state legislative politics should further empirically investigate the important issue of racial justice legislation by examining several state legislatures to discern more broadly the extent to which African American interests are represented at the state legislative level. Also, future work should consider the nature of race-based bill introductions by race of legislator by comparing legislative sessions where African Americans comprise the majority party compared to legislative sessions where African American legislators constitute the minority party. Such scholarly inquiry can uncover whether or not advocacy of racial justice



laws are suppressed and reframed in a minority relative to a majority party position.

Additionally, discussing the variations in the propensity of sponsorship of racial justice legislation may vary according to the legislative chamber. Hence, differences may emerge according to legislative chambers. Perhaps, African American legislators who serve in the upper chamber of state legislatures have greater latitude in sponsoring race-based legislation.

### Note

1. Black and African American is used interchangeably throughout the text.

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## Memory Politics: The Poetics of Reimagining Black Girlhood in a Post-Apartheid South Africa

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### Abstract

This essay interrogates the question of how South African Black girls may ascribe to an identity that works to dismantle patriarchy? The essay is anchored by this question as it (re)imagines Black Girlhood in a Post-Apartheid South Africa amidst the rape, torture, and murder of Black women and girls. This essay will critically examine the work of South African Feminist scholars, authors and poets, including Pumla Dineo Gqola, Diana Ferrus, and Koleka Putuma in order to theorize revolutionary possibilities for Black girls in South Africa. The authors frame Black Girlhood as being an experience of multi-locality as it negotiates space within the identities of race, class, gender, and development (from birth to adolescence to adulthood), because the Black girl child will forever live within the body of the Black woman. The authors will also navigate the Biopolitical issues and politics of the body to envision a radical framework that reimagines Black Girlhood in Post-Apartheid South Africa. To accomplish this, the essay draws from community (as a collective of writers) and storytelling (in poetic and academic text) as decolonial methodologies to traverse the intersectional landscape of Black Girlhood.

**Keywords:** Black girlhood, Healing, Rape, Poetry, Memory

### Introduction

In the township of Tembisa, the sun begins to set as six queer Black girls hurry into the Braai (barbecue) spot to order red meat, chicken, pap, and cabbage. This was to be a reunion of sorts as one of the girls had returned to South Africa for a visit from her birthplace of America. After ordering their food they take a seat outside at an empty table. The Braai spot is a favorite for locals who linger around the premises laughing and dancing to music. The smell of cooked meat (chicken, beef, wors) keeps patrons well past their intended stay. The atmosphere is busy and full of lively energy. While waiting for their order, three of the girls cross the road returning to their car for a cigarette. Two of them are walking ahead of the third one. Suddenly, an exchange ensues from a man who was seated outside near their table. He was “cat-calling” the girl who followed behind the other two. This exchange upsets one of the girls in the group and she turns back to approach the man. The man is now walking in the same direction while they yell loudly in Setwana. Other patrons look on. I rushed to my friend as I understood that this could mean trouble, as it has many for many Black girls in South Africa (and beyond). There were articles written almost daily about the murder, rape, or torture of Black girls. My body grew tense as I remembered the lives of Noxolo Mabona, a 23 year old queer woman killed in a hate crime in 2018; Karabo Mokoena a 22 year old murdered and burnt to ashes by her ex lover in 2017; Noluvo Swelindawo, a 22 year old gay LGBTI activist, killed in 2016 in a hate crime and Anene Booysen, a 17 year old, gang raped and murdered in 2013. These are just a few of the Black girls in a long list of those whose voices have been silenced by patriarchal violence

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and murder.

Although I didn't understand the verbal exchange that had occurred between my friend and this man, I understood through the body language, the cat-calling, the violent looks and behavior that our safety was at stake. I immediately grabbed my friend and turned her in the other direction. I kept an eye on him and he stopped moving towards us. As we continued to our car, my friend shared that he had "come on to" her girlfriend and made homophobic and sexist remarks. She then turned and yelled at the man and told him to stop being disrespectful and his response to her was that he could say *whatever* he wanted to say. Afterall, there was no man in our company, which made us more vulnerable to these types of interactions. In the moment, our initial reaction was to change our order and take it to go. We then noticed that the stranger and his friends were leaving, so we decided to stay. It was their departure that warranted a renegotiation of our safety. Instead of enjoying a meal free of uninvited sexualized encounters we were forced to discuss this situation, revisit the assaults and murders of Black girls, and eat our food with a sense of (dis)ease that disrupted what was intended to be a peaceful afternoon.

The conversations provoked the (re)memory of the most recent event that shook the country. On April 2, 2018, three months prior to this incident, the matriarch of South Africa, Winnie Madikizela-Mandela died. Both authors were in Soweto at a local eatery on the well-known Vilakazi street. A text message came through from Tiffany Willoughby-Herard, a scholar whose work is rooted in the political history of South Africa. Her text was monumental. It read: "Mam Winnie is dead". I turned to my partner and said, "Have you heard?". She said, "Heard what?". I said, "Mam Winnie has died". The look on her face was sheer disbelief. She immediately checked her Twitter feed and other online news sources to confirm this. It was true. Winnie Madikizela-Mandela had died at the age of 81. The township of Soweto had fallen silent. We looked around to see the somber faces. The uttered tones were replaced by forks scraping against plates. Patrons chewed and drank the sadness of the moment. Outside of the restaurant cars began to swarm. It was known that Mam Winnie had become our ancestor. We had decided to stay in Soweto to visit Mam-Winnie's home to pay our respects, together with other gathered mourners. We left the restaurant in search of an ATM and the streets became a mad-haven of cars weaving around to avoid traffic and people waving ANC flags, singing freedom songs, marching, and bellowing Mam Winnie's name as they walked. Fists were pressed against the edge of the sky and tears flowed. Being born in the United States I had never experienced such an outpour of love for a fallen comrade. We were in the midst of history being revisited from her story. As we came upon the ATM I noticed a taxi-van parked in the abandoned lot where we stood. There were four men in the van. This taxi-van caught my attention not because of the men in the vehicle. It was the Black girl who was walking alone and summoned by the driver that my eyes were fixated on. The girl, approximately 13-14 years of age, turned around when the driver summoned her. My body tensed up as she turned around. She paused before proceeding to the van. As she got closer to the taxi-van my heart began to pound. At some point she stopped. A wry smile smeared her face. We were too far to hear what he was telling her, but close enough to know that the intentions of these men were unsafe. The other three laughed and talked incessantly while the driver leaned against his door and gestured his hands for her to come closer. She shook her head from left to right, turned around to walk away and continued in her initial direction. This man became a fixture for my eyes. I could not turn away. Like Noxolo, Karabo, Noluvo, and Anene, was she the next Black girl to have her fate end tragically at the hands of patriarchy? What seemed more tormenting is that this interaction was juxtaposed against the backdrop of Mam-Winnie's passing. Not even in the passing of the country's matriarch can a Black girl's body be absent of the male gaze.

Such scenarios are common for Black girls in South Africa. Living in a Black girl's body is not just a singular experience for Black girls in post-apartheid South Africa. It is neither straight nor queer. It is not ahistorical. However, it is intersectional. It is political. It is global and it embodies an experience of Black girls multi-localities and multiple identities.

The work of opening this research essay with accounts of the positionality of the researchers and the things observed and navigated in the worlds of Black Girls is part of our commitment to decolonizing the research. We theorize from the work of anti-rape poets, storytellers, and cultural workers, and collect data from survivors through the stories they tell. Their stories are stories of achieving freedom in the face of the context of rape--a profound living legacy of enslavement and colonialism. Such stories are important contributions toward a decolonial world and have been critical African epistemological interventions. Stories create meaning for our memories and enable us as African people to unlearn the lessons of traumatic experiences. Rather than coming to accept that which has been taken, our stories inspire us to find ways to heal and transcend the borders of historical pain. More than participatory action research, this research is deeply invested in destabilizing and up-ending the ways that we listen to Black Girls and what we hear and what we don't hear.

Therefore, through this essay the authors wish to engage in the process of examining the colonization of Black girls' bodies by reconstructing research practices through engaging the storytelling within the poetic voices and literature from various artists and scholars.

### **Methodology**

In this essay the authors frame Black Girlhood as being an experience of multilocality that negotiates space from birth to adolescence to adulthood. The expansiveness of Black Girlhood and existing in a Black girl's body suggests that the authors engage in scholarship that identifies the challenges faced by Black girls, but also reimagines healing for them as well.

Puleng Segalo, a decoloniality scholar, states that we must "create a space for scholars to engage on the topic of decoloniality and with issues of epistemological violence within the academic sphere; a form of violence which ultimately bleeds into the broader society." (Coan 2018). If we are to truly reimagine Black girlhood in a post-apartheid South Africa we must do this work from a space of decoloniality of self and within institutions that inform Black girls through messages within the educational system, the labor force, and communal spaces such as church and "women" societies. Stories therefore (whether presented in poetic or academic form) provide us as authors an opportunity to explore the works cited here within a decolonial manner.

Linda Tuhiwai Smith, a leading scholar on decoloniality states that there is a collective memory of imperialism that perpetuates how we collect, analyze, and engage with the knowledge of people (Smith 2013, 1). Mignolo (2002, 57-96) expounds upon this statement by highlighting that decoloniality research must be purposeful, deliberate and account for the positionality of the researcher, the participants, and the geopolitics of knowledge.

Toni Morrison's concept of rememory as healing and Relebohile Moletsane's (a leading scholar on Southern African girlhood), multi-disciplinary research with girls to write through their pain as an act of healing are other decoloniality works that ground this essay. We use Morrison's scholarship on 'remembering' and the scholarship on "knowing something but forgetting that we knew it" to offer other Black girls representations of expressive healing rituals that can be passed on to future Black girls. Morrison teaches us that when we remember that we knew something, especially when we have dialogic and rhetorical resources such as

poetry, it allows us to reimagine these rememberingings and to hold them sacred again for the past and for the present. Poetry and literature give us the tools to hold memory as references, as indexes and reminders of solidarity with other Black girls. We use Moletsane's scholarship on *'Talking Back to the Masters: Girls' Writing About Experiences of Violence'* (2000, 59-70) to situate the voices of the poets and cultural workers presented in this essay as they too are Black girls writing through their (re)memory.

In her work Moletsane writes:

“The role of students’ writing in making visible those voices and emotions that were previously brutalised and silenced in society and classroom discourses in South Africa...was a practice of ‘excavating the silence’”  
(Moletsane 2000, 61)

Like Morrison, Moletsane connects the act of writing as a form of resistance and liberation. In both instances the voice is reflected upon as a host of memories. These memories are cloaked with healing narratives. Thus, the authors use storytelling in community as a decolonial methodology to reimagine Black Girlhood in a post-apartheid South Africa within the poetic and literary works that are explored in this essay.

Smith writes, “The idea of community is defined or imagined in multiple ways, as physical, political, social, psychological, historical, linguistic, economic, cultural, and spiritual spaces.” (Smith 2013, 1-240). The concept of community is also used to demystify the stereotype of Black girls and their abilities to be in community with each other. Although, personal friendships and close bonds may or may not be present in the lives of the authors, their works are inherently connected through their experiences (personal and structural). It is these experiences and the solidarity within them that continue to inform the writing and performance of the authors cited here. The importance of identifying these works as communal processes connects the lives of many Black girls in post-apartheid South Africa. These works become the “go to reference” for many Black girls who seek affirmation, or who have experiences that they cannot articulate orally, although their bodies can identify these experiences and feelings. The authors, with their gifts of words are seen as the collectors and connectors of community members through their work. These works provide an alternative to the silences that may be an active space of survival for Black girls who have experienced common atrocities. Regardless of where Black girls are raised (townships, squatter camps/informal settlements, upwardly mobile suburbs and cities) our research indicates that rape, physical and emotional abuse, poverty, and the sexualization of all these forms of violence are overwhelmingly a part of Black girls lives.

In this essay the decolonial practice of storytelling also navigates an intergenerational approach as it seeks to connect the vivid and reimagined memory of Sarah “Saartjie” Baartman as the authors engage the works to reimagine Black girlhood in a post-apartheid South Africa.

Baartman, a Black girl from the Eastern Cape of South Africa was taken from her home, enslaved and sent to Cape Town and later taken to Europe to be subjected to the Europeans “morbid fascination with the special genitalia of the Khoi women” (McLennan-Dodd 2002, 172). She died in her early twenties and her legacy has provoked scholars and others to compile stories, research for academic purposes, film and poetry, among other representations that hold the memory of Black girlhood in tact. Writers such as Diana Ferrus and Pumla Gqola have dedicated a body of creative and academic work to evoke the spirits of women such as



Baartman, whose bodies were signifiers of the exploitative nature of slavery, and colonisation. Their writing, thus, becomes a way of reclaiming the bodies and voices of a 'taken' Black girlhood. Baartman is an important entry into thinking about Black girlhood in a way that provides a history, imagination and a backdrop that Black girls can weave themselves into, as stated by Gail Smith below:

"Very little is known of Baartman's experience in Paris. No one can say for sure where she lived, if she had friends, what she took for menstrual cramps, what she thought of French food, or the cold" (Smith 2002, 3).

Although numerous African feminist scholars (Yvette Abrahams 1997, 2000, 2004; Jean Young 1997; and Zine Magubane 2001, among others) have also situated Baartman in their work in an attempt to "write against the *felt* effects of the gaze which fixes us as oversexed, deviant objects" (Gqola 2008: 48), the authors choose to focus on Pumla Gqola and Diana Ferrus's writing "which does not recast her as a 'freak'" (Gqola 2008: 59) for the purposes of this article.

Ferrus (2010) writes through generational pain and reimagination in order to access a literary healing portal for many Black girls who are constantly navigating current and past traumas.

When Pumla Gqola (2015) writes about rape and insists "it was not my fault" it creates a linguistic referent that brings Black girls' tortured spirits and bodies into communities of belonging. Within these communities our bodies become a "site of memory and (re)memory" (Morrison 1987). What we remember may haunt us and, if we have healthy and meaningful tools (such as poetry and a creative language to articulate our thoughts and experiences) we may be able to plough into our memories. Diana Ferrus's re-awakening the name of Saartjie Baartman, calls her back into memory and affirms that she was never forgotten (Ferrus 2010). Ferrus's words give us evidence that Baartman was never forgotten or never erased--in Black girls memories. Baartman died very young and what she experienced, particularly the sexualized violence is part of the stories that we know about how the world understands Black girls and who we are.

Lebogang Mashile, one of the storytellers in this body of work, writes poetry that insists on Black girls' stories being important, as highlighted by her poem "*Tell your story*" (Mashile, 2005:46). Mashile is one of the poets and cultural critics that we analyze here who emphasize healing Black girls' bodies and spirits especially from sexualized violence. Taken together as a collective narrative, this body of writing lovingly affirms the lives of Black girls, rejects processes that make Black girls invisible, and challenges social norms that only give voice to Black girls through hypersexualisation.

### **Replanting the voice of our past - interpreting Diana Ferrus' 'I have come to take you home'**

Writing can be a form of reliving the past in a healing manner. Beyond the healing that history may provide through closure or restoration or reparation of that which was taken, history can also be used as the guarantor for continued protest. The authors argue that the act of protest is a way of reclaiming one's voice from silence, and that protest is part of healing and reimagining one's existence. Writing is created to remember and to imagine, but also to 'fix' the wrongs of the past. Okpalaoka and Dillard, 2011 (147-62) also write about the African spiritualities

of calling upon ancestors and invoking ancestral spirits of those who looked like us in the flesh and who also went through traumas because of how they looked, whereby experiencing the exploitation of their spirits through the vessels of their body - and how this body 'looked like'. In this way, Ferrus (2010: 3) uses her words to communicate with Saartjie Baartman and others of her generation who might have experienced similar ordeals. Baartman was not the only Black girl child of her generation to be exploited and exhibited in this way. One might even say her generation was one in which the manipulation and exposure of Black girlhood to [European] public spectacle and sexualization was the defining thematic of that epoch. Ferrus's words are the connecting medium between the historical, the spiritual and the physical. Ferrus (2010:3), through her poem, "*I have come to take you home*," is able to teach the world about South African history through Baartman's life. The story of Baartman, through Ferrus' creative voice, is also important to young Black girls who might have otherwise never found out about and understood their ancestor and how her body was used as a tool of exploitation (a vilified bodily image that all of us live with regardless of the shape of our butts, hips, or waists). In a conversation with Ferrus (August 2018), the poet reminds us that Baartman's body was an "element of envy, something that the women in Europe could not have. So, they chose to exploit it and diminish it. They then started the fashion trend of the small waisted and big puffy hipped dresses named 'the bustle' that became very popular in the late 1800s." In this regard, Ferrus uses her poetry to restore the dignity that was taken from her/our ancestor.

Writing and expressing through poems is a way through which Black women in South Africa and beyond can reunite with their Black girlhood. These writings signify the *things* (stories of memory, pain, disappointment, fear, rape) that live inside our bodies (from childhood right through to adulthood). The imposed silence about these experiences may many times fester, dry up, and ferment inside these bodies in a form of heartache and other disease. Literature in this regard becomes a demonstration of life and how Black women can revisit the Black girl who was often ignored, avoided, hyper-sexualised, and traumatised in some of the most violent societies towards Black girls and Black women. Ferrus's poetry is thus written and remains available for access to anyone who can use it as part of a journey towards healing and a reimagined self - seeing themselves in others' words in ways that are affirming. The poetry is also alive on stages, invoking ancestral spirits - Saartjie Baartman, Krotoa<sup>1</sup> and Queen Modjadji<sup>2</sup> - as affirmations to those yet to be born and yet to grow inside their bodies. Though exoticized and vilified, Ferrus's poetry makes these ancestral spirits available as the body's archive of memory. In the piece below, *I've come to take you home* (2010:3), Ferrus sets a scene for a long overdue conversation between herself and Saartjie Baartman (her great grandmother, although not by bloodline). The poem can be used as a demonstration of poetry as a change agent whereby the wrongs of the past are corrected and whereby the poem does the emotional work of restoration and of peace. The poem was able to reach the eyes of a French parliamentarian who read it to his colleagues (circa 2000). It is not the fact of being read in the French Parliament that renders the poem important, but rather the work of a tribute *to* Baartman. Pumla Gqola states that "a tribute is an acknowledgment, a mark of respect" (Gqola 2008, 60). Ferrus wrote the poem in Holland in 1998 wondering about the level of homesickness and heartbreak endured by Baartman, as she herself was feeling homesick. Pumla Gqola states that the poem "unsettles expectation and marks itself as participating in an undertaking markedly different from many of those who have scripted Baartman" (2008: 60). As a result of being touched by the poem's invocation of the truth about colonization (the gaze through which Baartman was gawked at, as well as her being 'taken' and exploited far away from her home), the French government began

the process of returning Baartman's remains to South Africa after almost 190 years of captivity and humiliation in life and in death.

**I've come to take you home**

home, remember the veld?  
the lush green grass beneath the big oak trees  
the air is cool there and the sun does not burn.  
I have made your bed at the foot of the hill,  
your blankets are covered in buchu and mint,  
the proteas stand in yellow and white  
and the water in the stream chuckle sing-songs  
as it hobbles along over little stones.

I have come to wrench you away –  
away from the poking eyes  
of the man-made monster  
who lives in the dark  
with his clutches of imperialism  
who dissects your body bit by bit  
who likens your soul to that of Satan  
and declares himself the ultimate god!

I have come to soothe your heavy heart  
I offer my bosom to your weary soul  
I will cover your face with the palms of my hands  
I will run my lips over lines in your neck  
I will feast my eyes on the beauty of you  
and I will sing for you  
for I have come to bring you peace.

I have come to take you home  
where the ancient mountains shout your name.  
I have made your bed at the foot of the hill,  
your blankets are covered in buchu and mint,  
the proteas stand in yellow and white –  
I have come to take you home  
where I will sing for you  
for you have brought me peace.”

Ferrus (2011: 3)

This poem is a plea to return Baartman to her ancestral home, where her spirit and bones could find peace among her people, and the familiar fauna and flora of the Cape region - “the buchu and mint”. This poem is also testimony to the intertwined body, mind and spirit of African people and their epistemologies. In this poem Ferrus (2010:3) demonstrates how the dead can be undead as part of how we reimagine our futures as free people (even if the freedom is attained generations later). The poem remains relevant because it speaks about home, which

can be a signifier for land and its vegetation, elements which are important debates in South African current affairs. “Home is a place of particular importance for the exiled and enslaved, it is a space which provides the possibilities of belonging, of acceptance and special significance,” states Pumla Gqola (2008: 61). The words in Ferrus’ poem provide the writer and reader an opportunity to navigate, to move, to imagine freely without fear of judgment or even violence whereby ‘Home’ is a space of safety and familiarity, “which is to say, bringing her [Baartman] home, to allow her to be and *feel* at home”. Thus, the act of taking someone/something home can embody the holistic manner through which stories are carried inside bodies and used to restructure the past. In this poem the poet reassures her ancestor that “I have come to wretch you away/away from the poking eyes”. The poet’s aim with the poem is to bring her subject peace. In this way, the poem is an intimate and intergenerational conversation with which the spirit of the ancestor is restored. “I have come to soothe your heavy heart,” affirms the writer. Pumla Gqola also highlights that, “the speaker appeals to an emotional memory as well as a memory of the senses. Home is cool and she can lie in the shade unexposed” (2008: 63).

Today, in the town of Hankey in the Eastern Cape of South Africa rest the bones of Sarah Baartman because a poem was able to penetrate the hard and hostile system of colonization and enslavement. This poem was also a reminder to Baartman’s capturers that she was never forgotten and that her life is still the fertile ground of liberatory imagination and healed psyches for Black girls. This is after the remains of Baartman were still exhibited in a museum in Europe as a symbol of European sexual conquest and a demonstration of sexualized racism. Black girlhood as a site of struggle is also recognised through Sylvia Tamale’s underlining that “no African woman can shield herself from the broad negative and gendered legacies left behind by forces such as colonialism, imperialism and globalisation” (Tamale 2004, 61). Black Girlhood, for Baartman had meant the loss of her parents, being enslaved, and public display for the entertainment purposes of spectators. In this poem however, the poet restores Baartman’s beauty and dignity. The poem opens a path for other writers to explore Baartman beyond the phenomenon of the ‘Venus Hottentot,’ in ways that no longer erase or dehumanise her. The line “I will feast my eyes on the beauty of you” affirms the beauty of Black girlhood and practices the sacred and historic ritual of conversing with the dead. The ritual of conversations with the dead also bears a history of being frowned upon by western academia and society, without the acknowledgement that for many Black girls whose bodies remain a site of struggle and fear, such practices are the highest form of prayer and seeking for protection and peace - both physically, and emotionally. Thus the peace that Ferrus (2010) writes about in the last lines of both the third and fourth stanzas of the poem serves a dual purpose of firstly, restoring peace to the ancestor Sarah Baartman, who was eventually brought home to where she belongs. Secondly, the poet (who also acts as a prophet as the poem was written long before Baartman’s remains were brought home) has finally shared an intimate and long overdue truth with both her ancestor and reader(s) and is thus at peace.

### **On Black girl pain and Black girl joy: Fighting rape is our site of struggle**

In some cultural traditions in South Africa (and beyond), Black girls are raised in preparation of belonging to and being of service to a man. Her trajectory from adolescence to womanhood may be labored with the expectations that may disappoint her family, should she decide to no longer get married, or have children. In a similar fashion the girl child can also represent wealth, or currency for her family. At puberty, her family could already be searching for or deciding on her mate. These arranged nuptials can be influenced and expedited by the

highest bidder for her hand in marriage, as stated by Mashile (2008, 16) in her poem *Woman Child*—“At 17/She was sold to the highest bidder/her ringed finger a prize/For a husband three times her size.” Depending on how much lobola<sup>3</sup> the potential husband is able to pay, the girl may be forced to wed someone she is not attracted to or someone whose seniority and wealth gives them extraordinary power over her decision-making. Lebogang Mashile and Koleka Putuma write Black girls into an existence that denounces patriarchy and gives language to them finding their own joy, on their own terms. In these poets’ work, belonging is for *self*, while relationships with others are negotiated in a manner that does not suffocate the bodies and voices of a reimagined *selfhood*. Both Mashile’s (2005; 2008) and Putuma’s (2017, 25-43) work pleas for the freedom of little back girls to belong to themselves and to be enough for themselves. The poems provide permission for Black girls to choose to be unmarried, childfree, and live freely in their cisgendered, trans-identifying queer or gender non- conforming bodies.

Poet Koleka Putuma’s poetry navigates Black pain, and Black joy, as well as queer existence in a South Africa that claims freedom and democracy, (even when the violence and killing of queer and trans people continues to be on the rise). On August 1 2018, thousands of Southern African women and girls took part in the Total Shut Down march all across a variety of cities in South Africa, Lesotho, Namibia, Mozambique and Botswana, among others to demonstrate in the intersectional women’s march against gender based violence. In South Africa, the marchers headed to the Government’s headquarters, the Union Buildings in Pretoria, to deliver a 24 point memorandum of demands based on the rights of women. The march carried the slogan of *My Body, Not Your Crime Scene*. As a form of protest the marchers held up different signs and placards (some hand-written, others professionally printed) which all demanded the dismantling of patriarchy and the safety of women and girls. Some of the messages on the marchers’ signs were quotes from poems by different authors. Notably, one of Koleka Putuma’s poems “memoirs of a slave and queer person” was the most cited on placards. In fact a number of different marchers in different parts of the country held this one poem up. This poem is a demonstration of poetry as protest, and protest as healing. This powerful and brief poem is a summary of the fears of most Black girls in South Africa. The poem is intersectional in how it addresses the dreams of the slave, and the queer person, therefore addresses the histories and the immediacies of Black girlhood that struggles with colonialism, on the one hand, and hetero-patriarchal violence, on the other. It also speaks to the fear that most Black girls (queer or not) hold about all types of violence, and above all, the most pervasive and silencing crime in the society, rape. Black girls are raped to prove a point; to correct their public and private behavior; and to impregnate them with shame and guilt. In this poem the poet is preoccupied by dying with her/their hands up (the struggle most Black people face around gun violence globally), as well as the fear against dying with her/their “legs open”. Each of these forms of grievous violence acts as a prop for the other exacerbating the isolation, horror, and spectacular everydayness of the gendering of Blackness through sexualized violence--with pistols and erect penises. Here the poet uses the open legs as a metaphor for the grievous and tragic violence under which many Black girls suffer.

**memoirs of a slave & queer person**

i don't want to die  
 with my hands up  
 or  
 legs open

Putuma (2017:75)

The poet provides an example of social realities and the burdens that Black, queer girlhood carries. The greatest and over arching fear the poem (just like the Total Shut Down March) expresses, is the rape and murder of Black girls and women.

In addition to Putuma (2017), Pumla Gqola's (2015) *Rape: a South African Nightmare* addresses the high level of rape and the violence through which Black girlhood is experienced at every stage and space of its existence. Gqola's book released in 2015, came as a relief to most Black women who thought that no one cared about their site of struggle - rape- and started to unleash their own horrific experiences from empowered perspectives. Women who attended Gqola's launches and readings, started to unearth their own deep-seated trauma in order to navigate a journey towards healing. This work thus, represents words, histories and figures that most rape victims and survivors often cannot access. It demonstrates that this social problem is widespread and entrenched. Gqola in this regard, uses her scholarly prowess and her command on the subject to record the 're-memories' and realities of most Black girls in ways that matter. According to Gqola (2015):

"Rape is the communication of patriarchal power, reigning in, enforcing submission and punishing defiance. It is an extreme act of aggression and of power, always gendered and enacted against the feminine.<sup>4</sup> Rape has also been central to the spread of white supremacy, and to the way race and racism have organised the world over the last four hundred years. Rape is something we have come to expect from areas of conflict, a threat we are adept at deciphering and a nightmare regularly reported on in our media."

Gqola (2015:11)

Gqola highlights the burden and danger of rape and brings it closer to the body of Blackness, girlness and many times queerness. The trauma of rape thus becomes a nightmare for Black girls, because unlike their white peers, the concept of "safety" is devoured by violence. Being young and queer (although not always) becomes a form of unexpressed powerlessness. The book demands harsh action by society and government towards the elimination of sexual violence, a tomorrow whereby Black girls and women do not have to live in constant fear.

**Black girls' stories as freedom**

There is freedom in telling stories. Storytelling has been alive as an African methodology of data collection and documentation. Stories help us preserve our heritage, especially as a people who were forced into, and survived enslavement and colonisation. A journey populated by our stories is an important one towards a decolonial world. The recording of African memory and epistemology has historically been through our voices. These voices live inside our bodies. It is through words that we unlearn to exist within traumatic experiences, that we find ways to heal and transcend the borders of historical pain. In the poem below, Lebogang Mashile urges Black girls and women to tell their own stories through their own voices, highlighting that all



stories of Black girlhood matter and that they are nurturing. The poet is sure that these stories are nourishing. Thus the poem acts as an amulet, as memory, and above all as an expression of a healing being. Mashile's poem operates within a philosophy of the "healing being" and offers a profound intervention into a long genealogy of scholarship on the nature of being as a process of healing. The poet thus (aware or unaware) gives birth to the poem through her body, and shares it with other Black girls as a gift of healing.

**Tell your story**

After they've fed off of your memories  
Erased dreams from your eyes  
Broken the seams of sanity  
And glued what's left together with lies,  
After the choices and voices have left you alone  
And silence grows solid  
Adhering like flesh to your bones

They've always known your spirit's home  
Lay in your gentle sway  
To light and substance  
But jaded mirrors and false prophets have a way  
Of removing you from yourself  
You who lives with seven names  
You who walks with seven faces  
None can eliminate your pain

Tell your story  
Let it nourish you,  
Sustain you  
And claim you  
Tell your story  
Let it feed you,  
Heal you  
And release you  
Tell your story  
Let it twist and remix your shattered heart  
Tell your story  
Until your past stops tearing your present apart

Mashile (2005: 46)

The poet begins the poem by highlighting that... "they've fed off of your memories". In this way, the poet acknowledges the power of memory, as well as the power of the subject (a Black girl) as the one who has stories and dreams inside of them. These stories must be rich if they are being fed upon, and most likely, leaving little or nothing for the owners or custodians of the stories. The question might be, who is feeding off of your/our memories? Could it be colonisation, could it be Apartheid, patriarchy or all of the above and more? Even "After the choices and voices have left you alone/And silence grows solid" the poet insists "tell your

story". It is these stories that reshape and mould a way forward for the poet. Therefore it is the poet's conviction that the story can "feed you" and "heal you" and "claim you".

We are convinced, especially in a society like South Africa where almost every Black woman and girl has a story of sexual, physical or emotional abuse or exploitation (Garcia-Moreno, Guedes and Knerr 2012, 1-12; Brundige, Meetali, Brock, Furstenu, Holton-Basaldua, Mahonde, Osei, and Gaffoor 2014, 5), that self-reclamation after trauma is the most underestimated form of power yet to be utilized by us for our own benefit. It is in a society such as this one, where stories of healing are crucial and should be illuminated for the meaning they create and the affirmation they were meant for. The poem above is a reminder of the importance of Black girlhood stories that lay under the rubble of silenced trauma. These poems are often not read as "real" academic data worthy of scholarly analysis and interpretation. And yet, reading and interpreting these poems and other critical works continue to be *the* real healing methodologies for Black girlhood in South Africa and beyond. Mashile (2005: 46) mixes history and the present day, mixes hurt and the powerful possibility of restoration, as well as a spiritual landscape to present words that create a potential to unlock and nourish the shattered hearts of many Black girls.

When poets speak about themes of sexualized violence and erasure of Black girlhood realities, these themes become part of a narrative that might have been hidden but are core experiences of Black girlhood. Mashile's (2005; 2008) and Putuma's (2017) work is awkward, yet reassuring conversations that are crafted in words and emotions felt by many Black girls who are yet to articulate themselves in ways that poets can. The poet therefore, becomes a signifier for the healer and spokesperson for a collective (girlhood) on the journey of healing.

### Conclusion

This work draws on both contemporary and historical, and poetic and spiritual perspectives in order to reimagine what it means to be a Black girl in post-apartheid South Africa. In particular we have marshaled ancestry, memory, history, and storytelling as discursive and interpretive frameworks. It is critical to highlight that although Black girlhood is a global identity with its intersectional affinities around race, class and gender, it is not monolithic. The lived experiences for most Black girls in post-apartheid South Africa are riddled with complexities of historical and contemporary traumas such as rape and murder. The remembering and dismembering of a Black girlhood marked by enslavement, colonization, apartheid, patriarchy, colorism, age and other positionalities often present a level of voicelessness through encounters of sexual and other forms of exploitation.

The poets and cultural critics we analyze here emphasize healing Black girls' bodies especially from sexualized violence. Taken together as a collective narrative, this body of writing lovingly affirms the lives of Black girls, rejects processes that make Black girls invisible, and challenges social norms that only give voice to Black girls through hypersexualisation. Thus the poetry and literature by Black girls for Black girls presented in this essay situates itself as a healing modality and a decolonial practice.

Situating Black girlhood in terms of ancestry and calling into question the meaning of ancestry for Black girls demonstrates how to reclaim and restore contemporary lives from the legacies of enslavement, exploitation, abuse and self-doubt. Invoking memory as ritual is an important practice if we are to acknowledge the African spiritualities of calling upon ancestors and invoking ancestral spirits of those who looked like us in the flesh and who also went through traumas because of how they looked, whereby the exploitation of their spirits were experienced through

the vessels of their body - and how this body ‘looked like’ (Okpalaoka and Dillard, 2011, 147-62)

History can also be used as the guarantor for continued protest. The authors argue that the act of protest is a way of reclaiming one’s voice from silence, and that protest is part of healing and reimagining one’s existence. Writing is created to remember and to imagine, but also to ‘fix’ the wrongs of the past. There is freedom in telling stories. Storytelling has been alive as an African methodology of data collection and documentation. Stories help us preserve our heritage, especially as a people who survived the terror of enslavement and colonization. A journey populated by stories is an important one towards a decolonial world. The reimagination of Black Girlhood through memory, death, healing, African memory and epistemology has historically been through our voices.

Ferrus’s tribute to the memory of Sarah Baartman and the reclaiming and return of her body exemplifies how poetry ritualizes Black girlhood and reimagines Black girls’ powers. The poetic voice and conversation with Baartman becomes a landmark for remembering the importance of Black girlhood. Contemporary Black girls then use this poetry to situate their bodies within an ancestral line and come to create new meanings about what it means to be a Black girl.

The works presented here further ritualize Black girlhood by speaking truth to power and reimagine the power being bestowed upon the Black girl’s body through written and poetic voices. The works presented in this paper sought to reimagine a radical framework on Black girlhood that used community and storytelling to reclaim and restore the imagery of Black girlhood from enslavement, exploitation, and abuse.

As scholars continue to add to the growing body of literature on Black Girlhood in South Africa it will be critical to engage this work using decoloniality methodologies that force us to “confront, challenge and reject the status quo.” (Segalo, 2018:1).

If we are to truly reimagine Black girlhood in a post apartheid South Africa we must do this work from a space of decoloniality within institutions that inform our Black girls through messages within the educational system, the labor force, and communal spaces so as to ensure that Black girlhood matters and is no longer erased or avoided, nor written about in ways that are dehumanizing.

### Discussion Questions:

1. How can memory be a site of discovery for Black girls in South Africa? (In community spaces such as schools and religious institutions)
2. What is Lebogang Mashile’s take on the importance of stories in her poem *tell your story*?
3. How is Intergenerational re-memory relevant in Sarah Baartman’s life and Black girlhood?
4. How can decolonial methodologies assist scholars in “Reimagining Black Girlhood” globally? Explain what Segalo meant by epistemological violence.
5. What is the importance of Black (cis, queer, trans, gender non-conforming) women in writing and publishing their personal narratives and/or scholarship?

### Notes

1. Krotoa was born in 1643 as a member of the Goringhaicona (Strandlopers) people, and the niece of Autshumato, a Khoi leader and trader. At the age of twelve, she was taken

to work in the household of Jan van Riebeeck, the first governor of the Cape colony. As a teenager, she learned Dutch and Portuguese and like her uncle, worked as an interpreter for the Dutch who wanted to trade goods for cattle. Unlike her uncle however, Krotoa was able to obtain a higher position within Dutch hierarchy as she additionally served as a trading agent, ambassador for a high ranking chief and peace negotiator in time of war. Her story exemplifies the initial dependency of the Dutch newcomers on the natives who were able to provide reasonably reliable information about the local inhabitants. Krotoa - <https://en.wikipedia.org/wiki/Krotoa>; <http://www.sahistory.org.za>. Retrieved 2015-11-30

2. Modjadji or Rain Queen is the hereditary queen of the Balobedu people of the Limpopo Province of South Africa. The succession to the position of Rain Queen is matrilineal so her eldest daughter is the heir, and males are not entitled to inherit the throne at all. The Rain Queen has special powers, including the ability to control the clouds and rainfall. [https://en.wikipedia.org/wiki/Rain\\_Queen](https://en.wikipedia.org/wiki/Rain_Queen)
3. Lobola is a bride's price among Southern African people traditionally paid in cattle by the groom's family. [https://en.wikipedia.org/wiki/Bride\\_price](https://en.wikipedia.org/wiki/Bride_price)
4. Gqola (2015) explains that the concept of the 'feminine' may not always be embodied in a woman's body; it may be enacted against a child of any gender, a man who is considered inappropriately masculine and any gender nonconforming people.

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**SYMPOSIUM ON BLACK  
POLITICS: INHERITING A ROBUST  
INTELLECTUAL TRADITION**

## The Search for Black Political Science: The Epistemology and Relevance of Mack Jones

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### Abstract

Mack Jones was the first president of the National Conference of Black Political Scientists (1970-71) and founded the doctoral program in political science at Atlanta University. He was a pioneer political scientist who challenged Eurocentric American social science and political science. This essay explores Jones' personal upbringing and professional development and relies on interviews conducted with Mack Jones and analysis of a selection of his writings. His contributions to understanding Black politics and his unyielding focus on epistemology continue to have serious implications for Black political scientists. Although much attention has been paid to luminaries in the Black Studies Movement, Mack Jones' contributions were particularly noteworthy, were ahead of his time, and are deserving of greater scholarly attention. This paper will remind some readers and introduce others to the central thrust and import of his life's work.

**Keywords:** Black Political Science, National Conference of Black Political Scientists, history of political science, American Political Science Association, historiography, epistemology

### Introduction<sup>1</sup>

1968. Revolution. Indeed, much has been written and said about 1968. Scarcely will one discuss 1968 and not mention revolution –and for good reason. The Tet offensive, assassinations of Dr. Martin Luther King and Robert Kennedy, John Carlos and Tommy Cooks at the Olympics, displays of activism throughout the globe, and student protests were seemingly an everyday occurrence. People from all walks of life were attuned to local, national, and international events. These forces came together at San Francisco State University to usher in the first Black Studies program after a prolonged campus strike that lasted from November 1968-March 1969. While there have been a few notable works on the institutionalization of Black Studies, less discussed is the overarching challenge to the social sciences from Black scholars in psychology, political science, history, and the like. As someone trained in political science, it was logical for me to interview an influential political scientist, such as Mack Jones, who could reflect on the challenge to the social sciences from Black scholars. Jones started the PhD. Program in political science at Atlanta University and he was among a small cadre of scholars who started the National Conference of Black Political Scientists in 1969. The political science department at Atlanta University blossomed under his leadership, as he was able to attract dynamic colleagues and students very much involved with activism. This essay seeks to understand Jones' contribution by utilizing biographical data, examining professional publications, and engaging with him through multiple interviews.

During the course of my interviews with Mack Jones, in my imagination our discussions transported me to a period that seemed familiar. This is certainly peculiar since I am a child of the 70s, and he began his first full-time teaching position in 1967, well before I was born. As

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a Black political scientist and product of Africana Studies, the 1960s and post-Civil rights era continues to stir my imagination. While this feeling is common for many in my generation, being intrigued by epistemology is less common. Undeniably, the fact that I consider the idea of “Black Social Science” and “Black Political Science” as salient and pressing issues in 2015, can largely be attributed to being a student of Mack Jones. Mack was one of the Black political scientists that challenged the American Political Science Association’s (APSA) myopia and then left to start the National Conference of Black Political Scientists. He established one of two PhD. Programs in Political Science at an HBCU (Howard University the other) and was involved with arguably the most progressive Black think tank in the post-Civil rights era, the Institute of the Black World.

The professional life of Mack Jones is representative of Black scholars’ historic challenge to “professional” social science, which emerged as a response to 19<sup>th</sup> century industrialization and specialization. Since the beginnings of American social science in the 19<sup>th</sup> century, there have been Black intellectuals challenging the foci of mainstream social science. There have also been Black intellectuals whose work inevitably could not escape the *weltanschauung* of the time. However, the story of Black scholarship reveals a resilient “counter public,” that, while diverse, also has been consistent. This resiliency is a commitment to transform the “scientific approach” to the study of Black life and to ultimately chart a course to eradicate all vestiges of slavery, racism, and discrimination. In this sense, Mack Jones is simply one in a long line of brilliant scholars who have etched their name in the radical Black scholarly tradition. Yet, even if we acknowledge that fact, his work stands out as refreshingly unique in its unyielding challenge to American social science and political science.

Undoubtedly, the corpus of Jones’ work is more than his articles, presentations, or books. Indeed, to be a Black political scientist trained from 1969 – 2018 and not be familiar with any of Jones’ work implicitly connotes a less than impressive frame of reference. It is akin to studying Black History and being unfamiliar with Lerone Bennett, Jr. or studying Black Sociology and ignoring W.E.B. Du Bois’ influence. Jones is that rare scholar whose work is a must for serious thinkers to grapple with as they develop their own research agenda in political science.

### **Background: “My Daddy was a Race man.”**

Mack Henry Jones was born in Oakdale, Louisiana in 1937. Oakdale is a small town that had a population of approximately 8,000 people in 1937. Founded as Danville in 1890, its name was changed to Oakdale in 1893. Oakdale was a part of Allen Parrish, named after a former Confederate army general, Henry Watkins Allen, who served as governor for one year. Louisiana was not unlike other southern locales in that Black labor was the engine for economic development.

While the term “New Negro” gained currency during the Harlem Renaissance, a “New Negro” emerged not long after Reconstruction (Lewis 1972). African Americans were demanding equity in education in organized campaigns as early as the founding of the National Afro-American League in 1890 led by T. Thomas Fortune.<sup>2</sup> This “New Negro” spirit was evident in Oakdale, which was known as a lumber town and by 1925 there were five sawmill factories there. Working for the factories was the only game in town, placing workers in a vulnerable and unenviable position. Nonetheless, as factory workers did throughout the United States during the early 20<sup>th</sup> century, Black workers became politicized and challenged the racist industrial structure. William Jones asserts that “African American lumber communities became the bases for political activity” and industrialization provided opportunities for Black laborers to

escape the plantation system (William P. Jones 2005, 212). Oakdale and other lumber towns became prime destinations for Black laborers seeking relief from the plantation. George Stokes hints at the growth of Oakdale, pointing out that the lack of an indigenous population in Western Louisiana in 1890 did not serve as a deterrent for lumber companies because of a decline of forest resources in the North. This decline pushed industrial labor south, including skilled and unskilled labor (Stokes 1957, 254).

It is well-known that sugar was king in New Orleans. But Oakdale was strictly a mill town. Mack's father worked in the mills and was a preacher, laborer, and union organizer who often discussed Marcus Garvey and the "Reds." "My daddy was a race man" equipped with a 3<sup>rd</sup> grade education but was nonetheless well-read. He would read Richard Wright and J.A. Rogers, and I still remember my first copy of *Black Boy*." He was the first Black man to integrate the labor movement in Oakdale. "I remember union meetings being held at our home [because] my daddy served as union steward." His activism didn't just stop with the union, as he was a lay preacher as well. "My father was an ordained AME minister who pastored a series of small, impoverished rural congregations as a sideline" (Mack Jones 2013).<sup>3</sup> He also organized people to vote and demanded employment for Blacks in Oakdale. In the context of Oakdale, LA during the first half of the 20<sup>th</sup> century, Mack's father was a radical who agreed with Ida B. Wells' admonition that "a Winchester rifle should have a place in every Black family's home." Speaking of which - his was kept in the corner of his house. One does not need to exaggerate to deem his actions as heroic. Any Black person engaging in activism, particularly wielding a leadership role, was labeled as a troublemaker and risked not only their employment but their life (Gilmore 2009 and McWhirter 2012). The example of leadership provided by his father may be why "all [his] life [he was] interested in giving white people a hard time."<sup>4</sup>

The strong leadership exemplified by Mack's father was far from the only parental influence on his life. Mack's mother was an educator, until she married his father. "I don't think I recognized my mother's strength until after daddy died." Whereas his father had a 3<sup>rd</sup> grade education, his mother finished high school and normal school and was a proud woman. Together they raised 10 children (Mack was number four), who all graduated from high school. "I was always a top student in my class and a pretty good athlete." In fact, Mack "always wanted to be a journalist. . . [as] a kid I used to do my own newspaper. . . and make up the baseball scores. . . when I got to Southern they didn't have a program in journalism . . . and that was also the case [at Texas Southern]. I wound up in political science sort of as a second choice because I really wanted to study journalism and I wanted to write."<sup>5</sup> The activism of his father and his educator mother would both prove to be lasting influences on Mack throughout his career.

### Southern University “I figured out my own view of the world.”

After serving in the army from 1954-1957, Mack attended Southern University on the G.I. Bill. To his surprise, he could have attended Southern on scholarship after he graduated from high school. However, he was unaware of this opportunity, as the principal of his high school did not inform Mack or his parents that he was awarded a scholarship. It was not until years later that Mack found out about the principal's shenanigans. Incidents such as this were all too common during that era. Many African Americans were denied scholarships simply because they were passed over or never informed.

As fortune would have it, Southern University, the place that produced influential Black political scientists, such as Lucius Barker, fit Mack perfectly. When Mack entered Southern in 1958 Jewell Prestage (one of the first Black women to earn a PhD. in Political Science),<sup>6</sup> Rodney Higgins, Twiley Barker, and Adolph Reed, Sr. were all on the faculty.<sup>7</sup> Each were all well-known and highly regarded by Black political scientists. Higgins was the chair. It was at Southern, after meeting Reed Sr., that Mack “would appreciate Marxism much more.” There he was also supported by faculty who were “race conscious.” As a sign of the times and an example of his commitment to the Black freedom struggle, Mack participated in student protests and was kicked out of Southern University for his involvement.

While one must concede the courageousness and historic actions of the Greensboro Four on February 1, 1960, no less daring activism was on display in Baton Rouge, Louisiana in March 1960. At the time, Louisiana Senator Russell Long bragged that Black people in Louisiana were “satisfied with their condition” and he predicted that non-violent direct action would never surface in his state. Undoubtedly Long believed Black people in Louisiana were happy with their lot in life or at least knew their place. He certainly was unprepared for the events that would unfold in Baton Rouge.

Southern University students gained inspiration from the events in Greensboro but, they also were encouraged by Rev. T.J. Jemison and Dr. C.O. Simpkins, two of the founders of the Southern Christian Leadership Conference (SCLC).<sup>8</sup> Jemison spoke to the students on March 7 and Simpkins would also speak to the students in the same month, supporting their efforts. Over the course of two days sixteen students from Southern University waged sit-ins at two drugstores and a Greyhound bus station.<sup>9</sup> Mack was a member of a group of seven students that descended on the Greyhound bus station on March 29, 1960 in protest of the segregated facilities. The actions of the students led to a swift response from a recalcitrant Louisiana legislature. Pressure was put on the Southern University administration, and all the students were expelled and prohibited from enrolling in any state institution of higher learning. Mack and his Greyhound cohorts filed suit and their case, *Garner v. Louisiana*, 368 U.S. 157 (1961), came before the U.S. Supreme Court. Though the court decided not to rule on the primary constitutional issue of segregation the court held that “a state cannot apply its criminal statutes on disturbing the peace to non-violent protestors staging a sit-in to express opposition to segregation by race.”<sup>10</sup> The confluence of forces at Southern led to Mack's enrollment at Texas Southern University where he studied under Milton Crook who he regards as “the most well-read man I met in my life.” Texas Southern would later become the site of his first full-time appointment as a faculty member and the source of another notable protest as discussed below.

**Graduate School “The overriding purpose of American education  
is antithetical to . . . my own purposes.”**

After his two years at Southern University and another two at Texas Southern University, two institutions where political scientists developed young Black scholars, Mack had a decision to make: where could he go to graduate school? There were no doctoral programs in political science at Historically Black Colleges in 1962. Not surprisingly “[Mack] went to the University of Illinois-Urbana because the Barkers [Twiley and Lucius], Munroe Yerby, Bashful, and Oliver Wilson had been there, and I assumed it must have been hospitable to Black folk.”<sup>11</sup> Mack’s plan for success was simply that “There were two tracks: one for them and one for me,” an approach that he would carry with him into his professional scholarly life. For example, one could easily ascertain from his seminal work “A Frame of Reference for Black Politics,” written in 1967 and first read at a scholarly meeting in 1969, his logical conclusion of the “two tracks.” In this essay Jones advocated for a Black Political Science and not simply Black Politics as a subfield in American Political Science. This contribution is still unique, and political scientists have yet to confront its implications. On its surface Jones’ argument may seem obvious that “what we have is essentially a power struggle between blacks and whites. With the latter trying to maintain their superordinate position vis-à-vis the former” (Mack Jones 1972, 7). While many Black political and social scientists may agree, the reasonable conclusion of his argument poses a challenge to Black political scientists and social scientists. If Jones is correct and whites do indeed try to maintain their superordinate position, then their educational institutions will reinforce a Eurocentric worldview. In like manner, political science becomes a tool of oppression for those who embrace the dominant Eurocentric paradigm. The challenge then for Black scholars is to interrogate the “frame of reference” from which they operate. While “A Frame of Reference” was written right after his graduate experience, Mack writes that his “[graduate] experience stimulated my thinking about questions of epistemology, that is, how do we come to know what we think we know, and why did my interpretations differ from that of my white classmates. . . . The paradigms and frames of reference used by social scientists, I concluded, are all conditioned by the societal worldview” (Mack Jones 2013, 1). Substantively, similar arguments were made by DuBois and would be pushed by some of Mack’s contemporaries, notably *The Challenge of Blackness* by Lerone Bennet Jr. and *The Death of White Sociology* edited by Joyce Ladner.<sup>12</sup> In a sense Jones was a part of an African centered zeitgeist that resulted in numerous Black professional organizations that were at least rhetorically committed to liberation. For him the core issues were “not so much whether or not we’re teaching the right courses . . . as it is what are the assumptions around which the course is organized . . . the overriding purpose of American education is antithetical to what I believe to be my own purposes.” This thinking carried him through his graduate experience into his first teaching position at Texas Southern.

Not surprisingly, because of his frame of reference and commitment, Mack soon found himself at the center of controversy at Texas Southern University. A student organization, “Friends of SNCC,” was viewed by the Texas Southern University administration as a threat to continued support of the university by external forces. Mack was the faculty advisor to the organization and all but sealed his fate at T.S.U. when:



. . . the school paper, the *T.S.U. Herald*, suddenly began to print articles and editorials highly critical of the administration and, in some cases, of the faculty. The monthly *Herald* had previously been the equivalent of the sad product of countless small college journalism departments, where the students learn type sizes and newspaper lingo by transcribing the college's official press release. But, under the editorship of Charles Johnson, the *Herald* underwent a change that was quite disturbing to the administration. . . . In the November issue, Johnson had Mack Jones, the government instructor and SNCC advisor who was subsequently told that his contract would not be renewed, write a long, scathing editorial on the inadequacies of the T.S.U. approach to education. "The achievement level of students entering Texas Southern hovers somewhere around the junior high school level," Jones wrote, "and the achievement level of the average graduate of this institution is something less than the twelfth grade." . . . Jones attacked the intentional clouding of the "achievement gap" between Negro and white college students. "If a student has done well in high school, notwithstanding the fact that he has only reached the eighth or ninth grade level, and if he continues to do well in situations where he is judged on the basis of a curved score, he has no reason to think that he is something short of brilliant. Thus the student will likely make less effort to close the gap. . . . "The T.S.U. student," Jones concluded, "must distinguish between the trappings of higher education and higher education itself."<sup>13</sup>

At first glance the quote implies that Mack was being very critical of the students. But the essay by Bryson did not accurately capture Jones' critique. "I was actually criticizing faculty members who assumed that the students were incapable of doing college level work and made no effort to teach them. Instead they simply watered down standards and gave good grades. . . . My criticism was of the faculty and administration rather than the students."<sup>14</sup> The proverbial "straw that broke the camel's back" stemmed from the Friends of SNCC organizing a student protest of police brutality in Houston. It only took the T.S.U. administration a week to declare Friends of SNCC banned from campus activity and to inform Mack Jones that his contract would not be renewed. In an eloquent retort that could only come from Mack Jones, he stated "I am sure that my association with the campus-based Friends of SNCC had nothing to do with my firing. After all, Texas Southern is committed to the emancipation of the Negro. And we do not bow and scrape simply to please powerful persons external to the University." The combination of the administration stripping Friends of SNCC with organizational status and the firing of Jones unleashed the "largest single . . . protest demonstration in Houston history." The willingness to speak truth to power demonstrated by Mack at Southern university as a student and Texas Southern as a faculty member were good indicators of how he would approach his engagement with one of the oldest professional academic organizations in America: the American Political Science Association.

**American Political Science Association (APSA)**  
***“In the throes of ideological debate.”***

Mack Jones entered the discipline of political science as a professional at an opportune moment. To write that the 1960s were a political cauldron, while accurate, still does not capture the tumult of the era. Many Activists and non-activists alike believed a revolution was possible. Domestically and internationally, serious critiques were being waged against the foreign and domestic policies of the United States, and other colonial and neocolonial powers (France, Germany, England, et. al.) by radical black scholars and activists. The American social sciences in general and American political science specifically were castigated by scholars and students for its western bias and seeming lack of relevancy relative to what was occurring in the streets. A criticism hurled not only by Black scholars and Black students but white and other Third World activists and students.

In light of these critiques, during the last 20-25 years there has been a significant number of books and articles reflecting on the disciplinary history of political science and the social sciences.<sup>15</sup> The common thread that runs through the works is that American Political Science, while challenged by competing approaches, nonetheless is grounded on Liberal Democracy and the idea of American exceptionalism. Even though there was a lot of momentum for those that challenged American Social Sciences, Dorothy Ross asserts without overstatement that “American Social Science owes its distinctive character to its involvement with the national ideology of American Exceptionalism, the idea that America occupies an exceptional place in history, based on her republican government and economic opportunity” (Ross 1992, xiv). In a similar vein, Ball asserts that the discipline has been dominated by two functions: A Wilsonian approach of training specialists and exporting American style democracy and a Jeffersonian (or Deweyan) approach geared toward educating American citizens (Ball 1995, 64).

When reading the literature on the political science discipline, it becomes clear, as Mack and some of his contemporaries argued, that political science is a misnomer and we are really dealing with white social science and white political science. In this framework, African American scholars and organizations typically are reduced to footnotes if mentioned at all. One would not find any mention of the National Conference of Black Political Scientists in mainstream disciplinary history or any hint that some Black political scientists sought to challenge the very framework of the discipline.<sup>16</sup> By contrast, the Black Studies movement and the development of black organizations in political science, history, psychology, and social work are viewed as watershed moments for Black practitioners.

The prevailing wisdom is that every academic discipline undergoes a period of growth, confusion, and reflection. Historically, scholars from various disciplines have at some point discussed what it means to be a member in good standing in their field. Broadly speaking this often means that one’s work is noticed in the field, conference attendance is regular, and that proper deference to disciplinary exemplars is given. Certainly, considerations of this sort led to Jones’ sharp critiques evident throughout the corpus of his work. Political Science’s tendency to not countenance itself with what was taking place “in the streets” was particularly repugnant considering the historical context and inevitable feeling of “revolution.”<sup>17</sup> Even a mainstream stalwart such as David Easton chided the practitioners for their lack of relevancy in his presidential address to the American Political Science Association in 1969. Easton’s call supposedly ushered in a post-behavioral revolution, which ostensibly concerned itself with normative as well as empirical issues, but this too was couched in a perspective that maintained white supremacy and did not constitute a fundamental break with the behavioral tradition. Prior

to Easton's proclamation in the 60s, Ralph Bunche had cautioned political scientists to confront colonialism, segregation, white supremacy, and disfranchisement.

During this historical moment, Mack was involved in the discourse of Black scholars from various social science backgrounds who were presenting well-crafted arguments concerning the utility or lack thereof of white social science. However, he is also very clear that "historical forces, more than an individual plan drove research" and it was imperative to "relate my research to the idea of struggle." This then led to calls for more relevance and principled stands against value-free notions of science, which typified the scholarship of the period.<sup>18</sup>

Mack did not evade the fact that American social science is rooted in the ideas of white superiority. For many Black scholars during the 60s, it was clear that social science was anti-African and racist. The notion of "American exceptionalism" was particularly obscene to many Black scholars when considering the experience of African Americans. As such, those Black scholars that desired to challenge the very structure of social science in America, be it political science or any other discipline, found themselves confronted with a conundrum: how to organize one's teaching and research in a transformative manner in an environment where "professionalism" and career advancement is often linked to working within the boundaries of the dominant paradigm.

To be sure, Black scholars were not alone in their concerns. A *Caucus for a New Political Science* was established in 1967 to "abandon the myth of a value-free science and openly advocate a progressive political agenda" (Barrow 2008, 216). Much of the criticism coalesced around critiques of behaviorism and quantitative approaches to research. Not long after the Caucus for a New Political Science was formed, in February 1969 the APSA created a Committee on the Status of Blacks. This was their attempt to appease Black political scientists who challenged the APSA on Black representation in the American Political Science Review (as contributors and editors), representation on conference panels, and most of all on the underlying assumptions of the APSA. At this moment "Vernon Gray, Leslie McLemore, and Paul Puryear were on the committee and Alex Willingham and myself were the youngest and most willing to call white folks hand." It was in this context that "they decided I should be the one to present the demands to the APSA board meeting. They chose me because I was probably the most assertive." However, there were two other significant meetings that would help lead to the founding of NCOBPS.

Samuel DuBois Cook, formerly a professor at Southern University, by 1969 was working at the Ford Foundation. According to Joseph P. McCormick II, "Sometime in the late 1960s the Ford Foundation became interested in increasing the number of African American faculty able to enhance the curricula at HBCUs" (McCormick II 2011, 1964). Cook worked with Jewel Prestage to organize a four-day conference at Southern University. One can readily see from the report of the conference that Jones strongly advocated for Black political scientists and Black political science departments to be subversive. He struck on issues that would define his later work such as "factual and research needs...are structured to a great extent by ones ideological orientation."<sup>19</sup> Jones assisted Alex Willingham in "providing the *raison d'être* for the emergent Black Caucus" (McCormick II, 167). It did not take an astounding amount of clairvoyance to see where this was headed. A significant number of Black political scientists decided to leave the APSA after the annual APSA meeting in September 1969, while a good amount chose to remain. Those that left began work towards developing the National Conference of Black Political Scientists (NCOBPS).

### NCOBPS and Atlanta University

**“I was surprised by the reception ‘Responsibility...’ received. I thought I would get more critical feedback.”**

The founding of NCOBPS was “a result of historical forces, philanthropic ventures, grassroots activism . . . and of academic organizations [that] wanted to impact the broader community. . . I saw all that as progressive,” Mack explained. NCOBPS was the logical extension of the critiques against mainstream social science Jones and others had begun to develop. “[It was] clear that there was a need to understand the world from our perspective and [as far as engaging the APSA] except for narrow professional advancement, I never thought people took it seriously.” Since the founding of NCOBPS and his break from the APSA, Jones stated he has “never even read 10 pieces in APSR since 1968.” His energy was given to working towards a Black Political Science.<sup>20</sup> A Black Political Science that would provide clarity to the struggle the global African community faced and put forward viable alternatives, which presumably could provide the framework for a better quality of life. But since that time the movement for a Black Political Science has petered out and one is forced to conclude, as Adolph Reed, Jr. has, that the “Ethical and political commitment to emancipation seems no longer legitimate, reasonable, or valid.”<sup>21</sup> Jones himself wrote in 1989 that “we are forced to conclude that we have made little headway in realizing the major goals for which [NCOBPS was] established. What is more unsettling is that we no longer seem to be committed to them...Black Political Science and political scientists have been mainstreamed.” He concluded with an appeal to Black political scientists to join the “colony of dissenters” that Dr. King called for and urging us to challenge the idea that the U.S. government represents the best of human possibilities (Mack Jones 2013, 36).

We must also conclude that from all appearances the most consistent voice advocating a Black Political Science since the founding of NCOBPS has been Mack Jones. A consistent theme is present in his work from his first presidential address to NCOBPS in 1970<sup>22</sup> to his reflections on the attempt to construct a Black Political Science in 1993 (Mack Jones, 1993). The primary thrust of Jones’ argument rests with the belief that people are informed by worldviews particular to their group and that the scientific method, if understood properly, could be used to cultivate and strengthen our normative assumptions.<sup>23</sup> A people’s worldview provides a lens from which to view and interpret socio-political phenomena. Jones constructed his argument to challenge the paradigm that American social science could lay any claim to objectivity. “The argument being advanced here runs counter to the commonly accepted notion that social sciences in general and American political science in particular have universal validity and utility because they are allegedly generated through systematic intersubjective procedures and hence are amenable to public validation” (Mack Jones 1992, 27). Contrary to this view, the worldview dictates how people respond to their “anticipation and control needs” by the development of social science disciplines.

In 1970, Mack Jones became the first president of the National Conference of Black Political Scientists and his inaugural address soon became a seminal work for Black political scientists – particularly those at Atlanta University. As he did at the four-day conference at Southern, Jones questioned the value of Black political scientists who operated from the dominant paradigm. Those political scientists unwilling to disengage from the dominant paradigms in American political science risk becoming tools in their own oppression. He argued that identifying with Africa and people of African descent was obligatory and inextricable for Black political scientists. Jones attempted to generate a dialogue about the need for a Black Political Science. Not to “rival” mainstream political science, but to meet the anticipatory and

control needs of the black community. For Jones, this was the value and essence of social science.

Atlanta University became the base from which Mack would attempt to develop a Black Political Science. Samuel DuBois Cook had been the chair of Atlanta University's Master's program in political science during the early 1960s before Mack Jones arrived. William Nelson and Hanes Walton, two very prominent political scientists, were two distinguished graduates of the program. Ron Bailey, a good friend of Jones, was the chair of the department upon Mack's arrival. As he did in 1969 at the Southern University conference, Dr. Cook would use his position at the Ford foundation to lobby for financial support for Black graduate education. Cook and Jones put forth a well-crafted argument to justify Ford Foundation money going to Atlanta University and Howard University. A further benefit for Mack was that Cook shared a deep interest in the philosophy of science. This relationship led to Atlanta University's proposal:

Drawing on earlier works of DuBois and others, the Atlanta University political science department submitted a discussion paper which argued that all social science knowledge was parochial and idiosyncratic because it was conditioned by the worldview of those involved in the scholarly enterprise and that therefore mainstream American Political Science had only limited descriptive and prescriptive utility for Black Americans because it was generated to serve the needs of white society. . . it was a brief for a program to study all political reality from the vantage point of the Black experience (Mack Jones 1993, 4-5).

The Atlanta University political science program was organized around the argument that "all knowledge is parochial." A position "that DuBois and others were making or made previously."<sup>24</sup> In contrast to American Political Science and Social Science which offered a thin veneer of objectivity and the ability to transcend race, the AU department under the leadership of Jones attempted to "generate a body of information that is functional for folk who are more concerned with transformation than they are with conservation." In this regard, political science at Atlanta University would be radically different from American Political Science. David Ricci provides a lucid description of American political science that is a stark contrast to what developed at Atlanta University:

Political Science is charged with surveying the province of public affairs and institutions, with the resultant knowledge transmitted to citizens in such a way as to encourage civility, tolerance, moderation, patriotism, an appreciation of rights and obligations, and not the least, a willingness to support wise governmental policy (Ricci 1984, 7).

The tendency toward tolerance, moderation, and patriotism considering the historical experience of African Americans should be anathema to Black political scientists according to Jones. Rather than accepting the prevailing notion that American political science was or could be neutral, Jones implored Black political scientists to examine the normative assumptions of United States political science (Mack Jones 1976). Jones does not advocate rejecting the scientific method per se but coming to grips with the reality that problem selection and



concept formulation are particular to the paradigm out of which one operates. This is a critical distinction since the argument is not that utilizing a particular research tool is problematic but how one moves from the world of pure fact to described fact is dependent upon the lens you view the world. If we understand Jones correctly, Black Political Science has no claim to universality any more than American Political Science.<sup>25</sup> However, in attempting to construct a useful social science or political science, the challenge that Black scholars face is that there is no consensus on what the good life resembles. This is why the efforts to craft a Black agenda have been so captivating and irritating for scholars and activists alike. It is in this manner that Black political scientists should be situated to provide clarity on what power consists, considering the American historical context. However, Jones cautions that this venture can only succeed if Black social scientists do not dismiss science. At the same time he crafted critiques of American political science as a science, Jones argued that “the social scientist qua social scientist, as Vincent Harding and Ralph Ellison have so eloquently stated, must be about the truth with all its complexities and contradictions” (Mack Jones 2013, 19). This is where the scientific method should be of use for the Black community. The “competing strategies [of Black organizations] cannot be of equal worth...qualitative distinctions among them can and must be made in terms of logically consistent scientific propositions” (Ibid, 20).

In “A Frame of Reference for Black Politics” Jones characterized the struggle between the Black subordinate group and a white superordinate group over power as constituting the essence of African-American politics (Jones 1972). If the paradigm for Black Politics is based on a conflicting relationship between the groups, then it logically follows that the objective of Black politics is to remove Black people from that historic relationship. This does not and should not mean dispersing of primary political research concerning everyday political activity (i.e., a nuanced critique of black life which accounts for the multiplicity of interests beyond group identification). However, even in this context, a larger problem, a contradiction really, seems to arise. If we accept the above paradigm, which Robert Smith does in his *Encyclopedia of African-American Politics* and Ricky Hill does in his essay “The Study of Black Politics: Notes on Rethinking the Paradigm,” Jones’ frame of reference conflicts with the larger paradigm of the American Political Science Discipline.<sup>26</sup> However, the Frame of Reference discussed by Jones has largely been accepted as a paradigm for Black Politics when that was not his intention. The implications of his essay suggest a paradigm for a discipline rather than simply its current usage for Black Politics a sub-field in American Political Science. It is illogical to think that a frame of reference calling for subversion can then be utilized *within* the discipline that creates the need for the subversion.

I do not doubt that while some were willing to agree with the premise that Black Political Scientists should be subversive, many were not willing to go that far. In fact, the report from the Southern University conference reveals that there was “a wariness to discuss the question of teaching as a system weakening agent” (McCormick II, 167). But to reject that proposition one would have to reject Jones’ thesis concerning the nature of American Political Science and the role of worldviews in shaping the contours of the discipline. His explicit purpose was to:

Stimulate reflections...and debates about the impact that worldviews have on the nature and content of social science knowledge, and, in particular, to explore the consequences of using the dominant white American worldview to develop social science knowledge about black American’s and other dominated groups. (Jones 1992, 26).



It seems clear that for many Black political scientists it is difficult to abandon the mainstream, particularly when many Black political scientists teach at majority institutions and seek publications in major white journals. Not only that, but Jones' view that "the next stage of the civil rights movement may be to hasten the end of the American age" challenges Black social scientists to grapple with the limitations of capitalism and the critique of Marxism. A challenge he understands that has never been embraced by the civil rights crowd. His embrace of radical politics does not begin and end with critiques of American social science and political science. Jones also calls on the Black community to confront gender oppression. In many ways, this is a logical extension of his main body of work. He views "racial, class, and gender oppression [as] systemic conditions of American capitalism." But he also recognizes that the psychic toll of oppression is manifested in the Black family. As such, eradicating gender oppression is not simply a charge the Black community should embrace against white supremacy. Importantly, gender oppression can only be removed from African American culture if Black fathers "make every effort to see the world including ourselves as fathers through the lens of the feminists" (Jones 2007). In this essay, we see a discussion from Jones quite different from his focus on epistemology, theory, race, and public policy. His embrace of feminism and call for all Black fathers to acknowledge being "privileged by the existing patriarchal arrangement" is as important as his call to challenge American political science. One could argue that this challenge has been embraced by the BlackLivesMatter movement and their inclination to confront gender oppression as a vital component to Black liberation.

### Conclusion

The effort to create a black political science discipline as opposed to simply a sub-field was embraced by Atlanta University. Mack Jones along with Alex Willingham, Shelby Lewis and other scholars and students developed a program that was quite distinct from traditional American Political Science programs. There was a confluence of forces that demanded an NCOBPS and an Atlanta University political science doctoral program. Since that moment there has been a conservative backlash to the era 1968 represents. However, what is more concerning, is the whittling away of radical politics in the face of a conservative backlash is perplexing. Recent U.S. Census Bureau statistics, which show the wealth gap between blacks' and white's widening presumably mean that there are serious structural issues left unresolved. More to the point, the predicament of poor people globally continues to deteriorate. Food shortages, malnourishment, ecological degradation, physical violence, abstract violence, poor infrastructure, the prison industrial complex, uneven trade policies, and the like continue to terrorize oppressed people.

Fundamentally I believe Black political scientists are quite clear about this challenge. The willingness to accept Jones' frame of reference reflects that understanding. However, the departure from that frame of reference is muddled. Considering the corpus of Jones work, the implications raised by his work concerning the thrust of American social science in general and American political science have been ignored or marginalized by Black political scientists.<sup>27</sup> These issues still have salience and will continue to until proven otherwise. The founding of NCOBPS was not about creating space within the American political science discipline, though

engaging in NCOBPS does not negate dialogue with the larger discipline. NCOBPS attempted to define on its own terms our approach to Black political life in the United States. A Black Political Science should not be constructed in “essentialist” or biological terms, but with the understanding that our struggle is linked with oppressed people from all backgrounds. However, according to Jones, the current development reflects that contemporary “scholars are less self-conscious about the way in which academic disciplines grow out of and serve the needs of dominant forces.” This is the unenviable “result of [scholars] not being interested in questions of epistemology,” which clearly is a thread throughout the body of Jones’ work. Unfortunately, Jones’ current opinion of NCOBPS is that the “young folks have no sense of history of it.” But this is not an indictment of NCOBPS, rather it reflects “what is happening across the board.”

If we understand the life and work of Mack Jones, we find someone who passionately and consistently resisted white supremacy. His favorite writing was “Epistemology and Relevance” because he tried to show how traditional American scholarship can only provide a caricature of Black life. Although there may not be a “Black Political Science,” there are a host of AU graduates and non-AU graduates who have been influenced by his work. Mack Jones was successful in creating a critical cadre of students, among them, for example Njeri Jackson, Rickey Hill, and Earl Picard committed to the struggle of people of African descent and other oppressed groups. He was also successful in working with the late Jewel Prestage and others in creating the National Conference of Black Political Scientists, which continues to provide support and avenues for the work of Black scholars to be taken seriously. Dr. Prestage provided an excellent commentary on the scholar and person:

I want to say that it has been a pleasure for me to watch, interact with, and, participate in your transition from an undergraduate student to a highly achieving professional. That has been a joy and I suppose one of the greatest joys associated with that overall big joy is your commitment to intellectual integrity, to vigorous pursuit of truth, and your willingness to take the risks involved in it. That has been admirable, but even more admirable is the fact that you always tend to find your way back from any adverse occurrence in your life. You seem to have, really, almost as much luck as W.E.B DuBois in the pursuit of truth as a lifelong commitment.<sup>28</sup>

In the final analysis, Mack Jones provides a paradigmatic example of the work to which Black scholars should aspire. His consistency and clarity of mission are a rare thing in this “post-racial era.” Finally, I think it best to conclude with an admonition from Mack Jones:

For the oppressed there is a need for a different body of social science knowledge and until such a body is developed, existing putative social science knowledge must be approached with a vigilant skepticism. (Jones 1993).

### Notes

1. All quotations with no accompanying citation are from the author’s interviews with Mack Jones.
2. See Harold Cruse, *Plural But Equal* (NY: William Morrow, 1987), 9.

3. Mack Jones explained further: "My dad worked full time in the saw mill in the town of my birth, Oakdale, LA. Over the years, from the 1950s to the 70s he pastored a number of AME churches in several small towns in central Louisiana."
4. Phone interview with author, 4/5/12.
5. APSA interview. In an interesting twist, Mack's youngest son Bomani is a sports journalist for ESPN and his daughter Tayari is a highly-regarded writer that has published a few highly-acclaimed novels.
6. See also Linda Perkins body of research on the Black women faculty at Howard, Fisk, and Tuskegee. Perkins, Linda. 2014. "Merze Tate and the Quest for Gender Equity at Howard University, 1942–1977." *History of Education Quarterly* 54(4): 516–51. According to the Michigan Women Hall of Fame, Tate earned the Ph.D. in the field in 1941. <http://www.michiganwomenshalloffame.org/Images/Tate,%20Merze.pdf> Retrieved December 21, 2018.
7. NCOBPS award for best faculty paper is named after Higgins, who was the chair of Southern University's political science department.
8. Jemison led a historic bus boycott in Baton Rouge in 1953 for two weeks and he would later become president of the National Baptist Convention.
9. [Blackcollegian.com/the-southern-university-16-a-tribute-to-16-african-american-college-students/](http://blackcollegian.com/the-southern-university-16-a-tribute-to-16-african-american-college-students/) 13 of the students were undergraduates and 3 were law students.
10. See Justia US Supreme Court, Opinion Summary and Annotations. <https://supreme.justia.com/cases/federal/us/368/157/>
11. APSA interview. The Barker's are Twiley and Lucius Barker. Both influential political scientists and co-authors of *Civil Liberties and the Constitution: Cases and Commentaries*.
12. Ladner's work included essays were similar in tone to Jones by Nathan Hare, Abdul Alkalimat, and Ronald Walters.
13. William Bryson, "Texas Southern University: Born in Sin, A College Finally Makes Houston Listen," March 22, 1967 [www.thecrimson.com/article/1967/5/22/texas-southern-university-born-in-sin/](http://www.thecrimson.com/article/1967/5/22/texas-southern-university-born-in-sin/). In an email to the author Mack Jones took issue with Bryson's assessment: "His discussion about my editorial was a bit misleading. I was actually criticizing faculty members who assumed that the students were incapable of doing college level work and made no effort to teach THEM. Instead they simply watered down standards and gave good grades. My point was that since those students had made good grades in high school and were given excellent grades at TSU they would have no idea of how much more there was to know. My criticism was of the faculty and administration rather than the students."
14. Email from Mack Jones to author, 9/25/14.
15. Examples of these works are Farr, Dryzek, and Seidelman, *Political Science in History*; David Ricci, *The Tragedy of American Political Science*; Dorothy Ross, *The Origins of American Political Science*; Louis Menand, *The Metaphysical Club*; Thomas Haskell,

*The Emergence of Professional Social Science*

16. To be sure, various Black Scholars have taken mainstream political science to task for its failure to confront race. Walton, Miller, and McCormick “Race and Political Science: the dual Traditions of Race-Relations Politics and African-American Politics;” Walters and Smith “The Study of Black Politics as Social Danger;” Earnest Wilson “Why Political Scientists Don’t Study Black Politics but historians and Sociologists Do;” and Wilbur Rich’s *African American Perspectives on Political Science*. These works point to the omission of blacks from mainstream political science discourse either as a subject of study or as authors of studies.
17. Mark Kurlansky, *1968: The Year That Rocked the World* (New York: Ballantine Books, 2004), passim. Kurlansky provides an excellent discussion of the various sites that advocated revolutionary change. The struggle in America taken up by Black people, Latino’s and white students was only a part (albeit a large one) of a larger global struggle, which Kurlansky sees as coming to a head in 1968. Ostensibly these revolutionary sentiments infused young black scholars and emboldened them to challenge their particular disciplines.
18. Joyce A. Ladner, ed., *The Death of White Sociology* (1973; reprint, Baltimore: black Classic Press, 1998). This work captures, in one volume, the primary arguments against white social science. Ronald Walters work “Towards a Definition of Black Social Science,” does not specifically argue for a Black Political Science per se but it can be of course inferred from his broader objective.
19. “Report of the Conference on Political Science Curriculum at Predominantly Black Institutions,” PS: Political Science and Politics II No. 3 (Summer 1969).
20. A good overview of this period is provided in the National Political Science Review in essays by Mack Jones “NCOBPS: Twenty Years Later” and Dianne Pinderhughes “NCOBPS: Observations on the state of the Organization.” The founding of NCOBPS was typical of the work of Black scholars, rather, their desire to be relevant and construct organizations committed to libratory praxis.
21. Adolph Reed, *Stirrings in the Jug...* Robin Kelley strikes a similar chord in *Freedom Dreams* when he describes nationalist minded discussions now as being viewed as romantic and unrealistic.
22. Mack Jones, “The Responsibility of the Black political scientist to the Black community,”
23. Very different from his colleagues at the time, particularly those in the Black Studies movement that viewed science as the domain of Eurocentrism.
24. Aldon Morris does a commendable job of outlining what he calls the Du Bois – Atlanta school of sociology in his recent *The Scholar Denied: W. E. B. Du Bois and the Birth of Modern Sociology* (University of California Press, 2015).
25. An excellent exchange of ideas between Ronal Walters and Mack Jones on the notion of Black Political Science is provided in the fall 1976 Atlanta University graduate student journal *Endarch: Journal of Theory*. Jones describes in his communication what value he sees in the scientific method and its utility for developing a Black Political Science.

He critiques Walter's and others for "changing labels" and not substantively making a break with the dominant discipline.

26. Robert Smith, *Encyclopedia of African-American Politics* (New York: Facts on File, Inc., 2003); Ricky Hill, "The Study of Black Politics: Notes on rethinking the Paradigm," in *Black Politics and Black Political Behavior: A Linkage Analysis* ed. Hanes Walton, Jr. (Westport, Ct: Praeger, 1994).
27. Dawson and Wilson in their essay never mention or reference the work of Jones.
28. Mack Jones. Interviewed by Jewel Prestage and Lucius Barker. African American Political Scientists Oral History Project. American Political Science Association Oral History Project. July 15, 1994.

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# “Every Acre Represents a Grave and Every Furrow a Tear”: Strategy Under Extreme Adversity and Isaiah T. Montgomery’s Political Choices and Reputation

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## Abstract

Former president of the American Political Science Association (1999) and former editor of the *National Political Science Review*, Matthew Holden’s research on executive politics, public administration, ethnic politics, urban politics, and African American politics includes *The Politics of the Black “Nation”* (Chandler Publications in Political Science 1973, edited by Georgia Persons), *The White Man’s Burden* (Chandler Publications in Political Science 1973), and *The Divisible Republic* (Abelard-Schuman 1973), and “The Competence of Political Science: 1999 Presidential Address” published in the *American Political Science Review* 94(1): 1-19 in 2000. Resulting from decades of research as the director of the Isaiah T. Montgomery Studies Project the current paper is focused on counter-emancipation, on political strategy under extreme adversity as manifested in the experience of Isaiah T. Montgomery (1847-1924), and the analytical framework that must be brought to bear for research on Black political leadership in the context of extreme adversity.

**Keywords:** Isaiah T. Montgomery, 1890 Mississippi Constitution, counter-emancipation, political strategy, reputation, white electoral violence, Mississippi and white supremacy, voter fraud, suppressing the black vote

## Introduction

My main concern is to increase steps toward a theory of African American political strategy during the counter-emancipation of the late 19<sup>th</sup> century and the first third of the 20<sup>th</sup> century. My aim is to explore, Isaiah T. Montgomery (1847-1924), his role in the 1890 Mississippi Constitution, and Mississippi’s role in the counter-emancipation. Using sources including oral histories, diaries, electoral records, histories of state and county party politics, and published commentaries by his contemporaries, I place Montgomery in his proper context and rebut what two generations of African Americans civil rights advocates and political historians have said about him. As the designated African American speaker at the dedication of the Lincoln memorial in Kentucky in 1909, Mississippian Montgomery delivered what was probably the most far-reaching, future-minded speech, on behalf of white-black peacemaking ever heard in the Old Capitol. And yet that speech has been mocked as an exemplar of political surrender. Montgomery’s political vision cannot be fully interpreted without understanding the black struggle in Mississippi to guarantee electoral rights from 1869-1875, the brutality of the counter-emancipation, and a history of black-white fusion politics that leveraged minimal black electoral power to secure white electoral domination in majority black communities.

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### Political Choices and Reputations

Political strategy involves choice, not just accidental behavior. It requires that a less powerful entity—a single human being in a working group or a committee, a group in a set of groups, or a nation amidst nations – find a means to be worth something to potential allies. African Americans, a subordinated group in late 19<sup>th</sup> century, and early 20<sup>th</sup> century America, had to marshal an array of political strategies both to maximize opportunities and to minimize impending damage.

Reputation, then, is a critical component in analyzing political strategy, exploring whether an organization achieved its goals, learned new things, or built new alliances. Reputation is political currency and gains credence only if it is circulated by people who are believed. Reputation is powerful even when people do not know the substance of what is disputed. “Bad reputation” makes it hard to study anything unless the presumption is that the study will also show that the person, institution, or situation is bad. Those of us who study politics have some obligation neither to praise nor to denounce casually, but to examine closely what others have done and in what contexts in order to assess the state of a group’s reputation.

I bring the question of reputation<sup>1</sup> to Isaiah T. Montgomery (1847-1924) and the Mississippi Constitution of 1890. Montgomery was the lone African American delegate in the 1890 Constitutional Convention, Montgomery delivered what was probably the most far-reaching, future-minded speech, in behalf of white-black peacemaking ever heard in the Old Capitol. No one could expect to be remembered and praised for a speech of political surrender, and Montgomery certainly has not been. I will not disguise that Montgomery has been subject to the most severe denunciations having been called both “sellout” and “Judas.” Echoing the sentiments of the most-cited quotation about Isaiah Montgomery, Frederick Douglass’s (1817-1995) October 11, 1890 column “No thoughtless, flippant fool could have inflicted such a wound upon our cause as Mr. Montgomery has done in this address,” Charles Kenyatta Ross, a contemporary civil rights leader on the Gulf Coast, explained “Montgomery sold us out.”<sup>3</sup> However, Montgomery is a person about whom a great deal is said by reputable people that is wrong, misleading or false. His role in Mississippi’s 1890 Constitution is far more complex than has been heretofore understood.

As a man compromised in reputation, about whom there is now a generally negative or doubtful view, Montgomery’s role during one of Mississippi’s most violent periods of anti-black mass slaughter deserves a more serious probe. Closer examination of the path that Montgomery took reveals that his political strategy was driven by an acute assessment of the context in Mississippi. In no part of the United States has white rule been harsher. Nor is there any part of the United States in which black submission and acquiescence has been more patent. Mississippi earned its reputation from its earliest role in the United States. Organized in 1808, only white males were permitted to vote for representatives to the general assembly. The interests that dominated Mississippi were always committed to chattel slavery and to Black exclusion in state and local government.<sup>4</sup>

### The Hypothesis of Counter-Emancipation: Making a White Constitution in a Black Mississippi

Those who would understand Mississippi, and its role in the American polity, have also to come to terms with counter-attack, the response leveled by those in power once they have been defeated (Holden, Jr. 2006). Emancipation in the United States was followed by

the counter-attack or the campaign of counter-emancipation that went on into the 20<sup>th</sup> century (Bateman 2016). Counter-attack meant, in American racial politics, counter-emancipation, or the establishment, in all walks of life – public and private – of the norm of the absolute veto based upon racial identification, especially African ancestry. White supremacy does not mean simply racial hostility, which is probably impossible to avoid to some degree. White supremacy was also reflected in social practices within white communities. Black Community Leaders like Harvard-educated St. Louis based attorney Sidney R. Redmond, testified to this time and again explaining that “there are a lot of white people of good will (who) would like to do things, but the majority of the whites are harder on white people who are fair with Negroes than they are on Negroes” (Redmond 1970). The same argument is made by Oliver W. Hill, Sr., who said “To help ensure compliance from other members of the white community, (the segregationists) were quick to resort to imposing the label ‘Nigger Lover’ upon anyone who failed to follow their practices.” Many who might be so labeled were “fearful that not only they but also their spouses and children would be ostracized they took a stand in favor of equal rights for all people regardless of color” (Hill 2000). As an ethos, counter-attack and the likelihood of ostracism from the white community are central features of the conversations that surrounded the 1890 Mississippi Constitution.

The problem of counter-attack is often manifest in the remaking of a constitution.<sup>5</sup> A constitution is not some bundle of other-worldly ideas. Rather, a constitution is a political agreement amongst those capable of exerting power about the terms on which they will deal with each other, whom else they will admit and on what terms, and whom they will treat as mere resources, but otherwise not admissible all. The Constitution of 1890 was a white supremacy constitution designed and calculated to guarantee white ascendancy. In order to understand the problem that this presents to the reputation of Isaiah T. Montgomery, we must return to the challenges presented to white ascendancy by the 1869 Mississippi Constitution and the legacies of the Civil War. For the first four years after the Civil War ended legal slavery, the Mississippi leadership tried to reestablish control without slavery. In 1869, with Radical Republicans still strategically powerful in Congress and Grant’s becoming President, Mississippi had to accept the Constitution that provided for equality of white and black. The 1869 constitution mandated full Black membership and inclusive rules that included Black voting and office holding. How long did this last? It lasted just six years. During these six years, 1869-1875, white men who wanted to win elections had to secure black votes in the state government. There never was a time of black rule. Instead, for the next fifteen years, 1875-1890, there was a series of counter-attacks: a bare, uneasy, coexistence until the new constitutional convention was suddenly pushed through in 1890. Warren County was the *situs* of the severe conflict between the Union Army and local white leadership.<sup>6</sup> The counter-emancipation featured outright fraud and violence and murder to suppress the black vote, threats to Republican party members, and the founding of rabidly anti-black paramilitary organizations such as the Red Shirts in Mississippi, North Carolina and South Carolina, and the White League in Louisiana. Such organizations were less concerned with the aforementioned and relatively polite practices of social ostracism from the white community for whites who supported a genuine racial equality than with using brute force to compel all whites to view all black voters as a threat to white supremacy. Armed militias and so-called “rifle clubs” numbering in the tens of thousands of white men disrupted Republican meetings, ran Democratic candidates, and effectively restored white supremacy in the electoral process by 1876. The 1877 Tilden Hayes Compromise and the election of Republican Rutherford B. Hayes with its narrow interpretation of *posse comitatus* meant that the same federal government that

had in 1850 used its federal authority to deploy federal marshals to enforce the Fugitive Slave Act now complied with the Southern white demand that federal troops stationed in the South to protect the rights of the freedmen and women be withdrawn.

### **The Montgomery Political Moment: Contesting Local Racial Politics**

Raised by a virtual genius enslaved father who was the escort for Jefferson Davis in his role as president of the Confederate State, Montgomery was sent with his family, under the auspices of Admiral David D. Porter, to live and work at Cincinnati during the time of the Vicksburg campaign. Like others among that early 19<sup>th</sup> century generation during which a black burgeoning economic and civic elite emerged, Montgomery came from a well-established class of black men and women who served as confidants and personal servants to American statesmen (Johnson 1993). The Montgomery's, Isaiah's family, had all lived under the dominion of Jefferson Davis or his older, and richer, brother, Joseph Emory Davis (Holden, Jr.). In 1866, when the Montgomery's returned from their wartime exile in Cincinnati, they entered into a deal to purchase the Joseph Davis plantations. From purchasing land to writing the history of this time period to mobilizing successful electoral campaigns, this Black community fought to make emancipation real through genuine institutional transformation.

In 1872, three years after the 1869 constitution, Isaiah's young sister, Mary Virginia (1850-1902), kept a most informative diary that alludes to the Black movement response to white backlash, some fragments of which have been published (Sterling). Among other things, she referred to Isaac D. Shadd, a newcomer from the North, who was a bookkeeper in Montgomery & Sons, the firm set up by Benjamin Thornton Montgomery and his two sons (Nave 2012). Mary Virginia Montgomery did enter in her diary that Shadd came and brought news of legislation (Nave 2012). Southern historian Vernon Wharton once slightly mentioned "a Negro from Warren County, I. D. Shadd, soon became the none-too-competent speaker of the House."<sup>7</sup> Mary Virginia referred to her own excitement at the "Public Meetings" held to choose delegates to the county Republican convention (Sterling). In September 1872, there was a Republican campaign meeting (Sterling), and in October there was another, this time addressed by Sheriff Peter Crosby, a holdout from the slavery era local administration (Sterling). When the votes recorded, there were 442 for Republicans Grant and Wilson and 3 for Liberal Republican Horace Greeley (Sterling). Shadd's election and those many other local Black leaders was a major shift in Mississippi race politics.

Local Black leaders mounted a series of coordinated responses to the counter-attack, running candidates for nearly every office and participating actively in the Republican party nomination process. But the national campaign was in parallel to a county-level fight between whites and blacks. At the Republicans' 1873 summer convention blacks dominated the proceedings. They refused to renominate the incumbent white Republican for sheriff, chancery clerk, or circuit clerk, offering a black candidate instead. Whites remained as prosecutor and judge, but observers recognized the sheriff as the traditional leader of the courthouse "ring," boss of the county. Electing a Black man for sheriff, Crosby, was tantamount to stripping white supremacy of its most essential power, policing.<sup>8</sup> Crosby's election energized the all-white "Tax-Payers League" yet another counter-emancipation expression of using civic life to suppress black participation in the electoral process and the civic life of Mississippi.

One of the white leaders was Charles Furlong, a Union Army officer from Ireland, who made his new departure in Warren County. He became sheriff and then state senator.<sup>9</sup> Furlong became wealthy and moved to New York to where he lived until 1907.

By the summer of 1874 racial tensions in Vicksburg had become palpable. Whites won control of the city government. Rival black and white militias paraded in the streets trying to intimidate each other. By the end of 1874, whites felt strong enough to march on the courthouse and demand the resignations of black officeholders and they succeeded in wresting a resignation from Sheriff Crosby. But, as one might expect under such conditions, he hurried to Jackson to consult the Governor, Adelbert Ames, who advised him to raise his own *posse comitatus*. It did Crosby little good. The white militias were out in force. William C. Harris wrote: "Having routed the blacks in Vicksburg, armed whites vengefully swept the county, attacking suspected insurgents" (1979, 646-647). They killed convincingly. "When the racial excitement had run its course perhaps as many as three hundred blacks lay dead, whereas only two whites were killed" (Ibid, 648 n. 64).

Subsequently, the U.S. Army returned Crosby to office, but six months later a Natchez newspaper described Warren County as being in a state of anarchy. "The city of Vicksburg and county of Warren are virtually at the mercy of an infuriated mob of political desperadoes. Whites put the word out that they intended to carry the election "at all hazards," frankly telling a black politician and minister of their plans to win the election by any means necessary. As this man later remembered ruefully, "and sure enough they did." Harris says that "planters... in a deliberate attempt to conceal the number of black casualties from their tenants lest labor relations suffer, reported to the press that only twenty five had died" (Ibid). The scale of the killings is understated in nearly all American literature on the subject, although political scientists will find a sense of it in the early writing of James W. Garner, who referred to Winchester rifle politics (Garner, 1901). These killings were massacres.<sup>10</sup>

This action in the last month of 1874 lasted a short time only. When Governor Ames was forced to resign, the black lieutenant governor—A. K. Davis—had already been impeached and removed on charges of having accepted a bribe. Whether he was fairly accused or framed could be a question, as in any impeachment. John R. Lynch, speaking in the House of Representatives, says that the grand jury in Noxubee County, from which the lieutenant governor came, had investigated the matter. "This grand jury, composed of a majority of Democrats, made a report to the court that all parties were innocent."<sup>11</sup> The new legislature, elected subsequently, accordingly impeached and removed him. The result was that when Ames resigned the Democratic Senate president took over as acting governor.

Blanche K. Bruce (first elected African American Mississippi Senator to serve a full term), a Northern transplant who took up a prosperous residence in Mississippi, initiated an investigation of the 1875 takeover.<sup>11</sup> But the Republicans were as fearful of a fight over Mississippi alone as they were the next year over the Hayes-Tilden controversy. When Bruce's Senate term was to expire, the now-controlling Democrats replaced Bruce with James Z. George, who had been the Democrats' leader in the 1875 coup.

Democratic rule and white nationalist power were returned. Pro-Confederate literature christened the counter-emancipation, the Redemption period. Fifteen years after the Democratic takeover, there was new state legislation, then a gubernatorial proclamation setting an election date, July 1890. When this 1890 Convention was elected Mississippi was a Black voting majority state. The Mississippi Democratic Party that had come to power through fraud and butchering countless black people had to rewrite the constitution to undo everything

1 . Lynch, quoted in McFarlin, 166.



that the emancipation had promised. The counter-emancipation needed to brand black men as beyond the reach of representative governance—as outside of democratic polity. The black men theoretically entitled to vote were 189,884 or 61 percent of the total of 308,684. Except for extreme adversity, there is no way for a 61% voting majority to only manage to vote in 1 delegate of out of 134.

### **Montgomery's Convention Presence: Fusion Politics and Bolivar County**

When the Convention assembled on August 12, 1890, it had 133 white delegates and one black delegate, Isaiah T. Montgomery.<sup>12</sup> This is where his political choices and resultant reputation come into play.

In some six or eight Mississippi Delta counties, including Bolivar, where Isaiah Montgomery took up residence in 1887 there was a political practice known as “fusion.” In these “counties in which the white population was very small, and almost entirely dependent on Negro labor,” leaders would make deals in any given election to guarantee certain outcomes beforehand. Voters would be offered Democratic candidates (and thus white men) for some offices and would be offered Republican candidates (meaning black men usually) for other offices (Wharton 1947, 203). Fusion politics were designed to incentivize cross-racial electoral cooperation in a place where racial resentment was at its highest levels. The same whites that depended on black labor did not believe in racial equality or the brotherhood of man.

Vernon Wharton said “the fusion system did work to the general satisfaction of a majority of both races” (Ibid). Wharton relies on a white man from Bolivar County called Frank A. Montgomery (no connection to Isaiah Montgomery) who disliked Black people in general for evidence of *general satisfaction*. Frank Montgomery's reminiscences are powerful reminders of how fusion politics operated through a careful racial calculus of racial resentment and fear. The same informant that explained that Blacks were so alien that it was humiliating to whites that they should vote also spoke respectfully of John Lynch (first African American Speaker of the Mississippi House of Representatives and a US Congressman) and feared him as a political debater (Montgomery 1901). Frank Montgomery similarly spoke respectfully of Blanche Bruce who had, he said, the manners of a Chesterfield. From this I infer that he was not uncomfortable with these two sons of white fathers, whose physiognomy did not trouble him. In reality, if we depend on Frank Montgomery's own stated views about black voting, then satisfaction cannot have been “general.” He did not like black voting all. He, like others of the white landowning minority, just put up with it when they had no choice (Ibid).

So long as black Republicans could vote and could run, they could always win. But, for various reasons, as a political scientist should predict, if the numerous Blacks were not physically afraid to vote, as they were not in Bolivar, some white Democrats would split off and run with Republicans on “fusion” tickets. Within a year of his moving to Mound Bayou, Isaiah T. Montgomery had become involved with the Republicans. “In 1888 I was placed on the Republican County Committee in Bolivar County.” Without speculating on whether Isaiah Montgomery was recruited into the Republican Party or pursued elective office on his own, it is clear that he had a longstanding relationship with a leading Republican in Bolivar County and family friend Joseph Ousley.

Fifteen years before Montgomery family diarist, Mary Virginia, had a diary entry about Joe Ousley coming to visit. When Ousley got Montgomery onto his county committee he knew he was getting a black Republican who sought electoral cooperation with white people as Montgomery attested “In all County affairs I have actively indorsed a fusion movement in

county elections.”

An important witness on Bolivar County was Walter Sillers, Sr., attorney, levee board leader, and in due course close ally of Isaiah Montgomery (Sperry 2010; Barry 1998). Originally, in the 1870s, young Walter Sillers had been an ardent supporter of a white line for Democrats. His writing shows both intelligent realism and a sense of humor, described the process in Bolivar County. But he had learned to count politically and seemed to have shifted his own tactics. He did not recognize the skills of the Black leaders. For example, he mentioned a classic fusion politics style case where the Democrats followed the white line strictly. “The brilliant negro leader J. H. Bufford, and George W. Gayles, negro state senator, took advantage of the dissension and offered the votes of the Republican party for sheriff to any white man who would bolt the Democratic party and lead the ticket.” Sillers continued that “his offer was accepted by George P. Melchior, who had influential relatives in the county who espoused his cause; and a split in the party, resulting in twenty years of bitter factionalism, followed.” In short, fusion politics is a critical component of the backdrop which shapes how Isaiah Montgomery has been assessed and understood.

### **Rough Quantification of Bolivar Population and Voting**

The precise numbers in Bolivar County in 1890 have not been calculated for this paper, instead Frank Montgomery’s numbers indicate a ratio of about 13.3:1 or 4000/300 in 1875. That is slightly less than six percent (6%) of the electorate (289). In 1882, State Sen. W. B. Roberts, the originator of the first bank in the county, said “the 250 white voters were confronted with over four thousand Negro voters” (Roberts in Sillers, 162). That would have shifted the ratio from 13:1 to 16:1 or somewhere between four per cent (4%) and five percent (5%) of the electorate. Roberts, who was very friendly to Montgomery looked back in 1937 to say that in the decade before the Convention there had been “more than four thousand negro votes in Bolivar County with only six hundred, possibly eight hundred white voters, and many of the white voters indifferent to the result of the election.” With Roberts’ rough figures we could estimate something between 12% and 15% of the total as being white.

The Black voting population was remaining steady, but the white voting population was increasing. When the Constitutional Convention was called, the Democrats refused fusion perhaps out of overconfidence. They nominated E. H. Moore, the Chairman of the Board of Supervisors, later state senator from Bolivar County, and W. L. Pearlman.<sup>13</sup>

Isaiah T. Montgomery was elected as a Republican. “I was,” he wrote later, “earnestly pressed by the Republican County Committee to become a candidate in company with Hon. George P. Melchoir [sic], and as a result of the election held July 29, 1890, I held my first commission to any elective office, viz., as delegate from Bolivar County to the Constitutional Convention” (Ibid, 590).

### **The Challenge to Montgomery and Melchior’s Seating at the 1890 Constitutional Convention**

Now that Montgomery was elected, the question arose of a challenge to his being seated. There was a lot of organizational business August 12, that first day of the Convention.<sup>14</sup> An official record, *The Proceedings of the Constitutional Convention of the State of Mississippi*, does not show informal conversation in the cloakroom or out in the hallway. But in the very first day, “Mr. Love, of Amite, offered the following: Resolved, That the Convention do now proceed to the election by ballot, of President of the Convention.”” Some kind of hallway conversations

had to have taken place, since the proceedings moved quickly to skip the balloting. Very likely, someone pointed out the oddness of having any further Convention business conducted with the Secretary of State in the chair. "Before action thereon (on Love's motion). Mr. Powel of DeSoto. Moved that Hon. W. S. Featherston, of Marshall, be elected temporary Chairman. Which was unanimously agreed to. "Gen Featherston took the chair and declared the Convention Ready for further business." "The Committee on Credentials reported as entitled to seats the 134 delegates, as read by the secretary of state. The Report as adopted subject to contest" (Ibid).

Their key business was, of course, the election of the President, which showed the comparative strength of the planter-banker-railroad lawyer caucus and the dirt farmers who cultivated their own family-sized farms and were represented through the Farmers Alliance.<sup>15</sup> Edward C. Mayes, the son-in-law of Lucius Q.C. Lamar, nominated Judge S. S. Calhoon. Another delegate nominated R. C. Patty, a county officer from Noxubee. Calhoon got 64 votes, while Patty, the Farmers Alliance candidate, got 61 votes (*Proceedings*, 9). Delegate William S. Farish, a 47 year old lawyer from Mayersville in Issaquena County, a Davis family member, was very impatient (Everett 1971, 127). He could barely wait for the organizational business to be conducted. On the first day, "Mr. Farish moved that a committee of five be appointed to investigate the contested election from Bolivar County" but "On motion of Mr. Street action thereon was postponed" (*Proceedings*). He tried again in the afternoon to get ten minutes, apparently on the supposition that this would do the job. It did not. He lost his motion, and the Convention went to some other business. By Thursday, his motion succeeded, "the President appointed a committee of five to consider the contested election case from Bolivar County, to wit: Farish, Henry, Dillard, Allen and Yerger", who would be substituted by Ford (Ibid).

It took a five more days, for a total of eight days to get the Bolivar County case finally back to the floor on the morning of Tuesday, August 19, in both majority and minority reports.

Someone had to have practical reasons, or beliefs, leading them to want to seat Montgomery and Melchior. "Mr. Farish from the Select Committee to investigate the contested election case from Bolivar county, moved the adoption of the majority report of the Committee," which was against seating Montgomery and Melchior on a variety of legal and election procedural arguments.

"Mr. Ford offered the following substitute;

"Resolved. That Geo. P. Melchior and Isaiah T. Montgomery are legally entitled to and that they retain their seats in the Convention as delegates from the county of Bolivar" (*Proceedings*). What is at issue is whether or not Montgomery and his only white ally will be seated.

This subject was carried to the next day (Wednesday, August 20, 1890) for a morning session in which there was a certain amount of procedural jousting over a motion that "That the Governor and the Ex-Governor of the State of Mississippi, and the Judges of the Supreme Court be allowed seats on the floor during the sitting of this Convention," though the motion was finally adopted.

The substitute motion, in favor of seating Melchior and Montgomery, was approved 72/27 with 28 absent or not voting. Fifty four percent of the delegates voted to seat Montgomery and Melchior, but one in five voted against seating them and another one in five abstained or did not attend the session.

### **What Did He Do There?**

On September 15, 1890, Montgomery stood alone in the Constitutional Convention to speak in support of the franchise committee report (Montgomery 2004). Montgomery was

not just a minority at the 1890 Constitutional Convention he faced “extreme adversity,” much external pressure, and few options that he dared even to assert. Isaiah T. Montgomery was openly ready to submit to the political necessities of this military defeat. Here was one black delegate facing a room full of white men. In the House chamber, a speaker from the rostrum could see the face of every other member.

No political scientist or political historian, writing about Mississippi, has confronted seriously one question: “*what did this promise for the future well-being of Mississippi?*” Who in the Convention set out a concept for the world that was coming? Montgomery feared racial terrorism, and seeking to avoid it, he endorsed the Constitution that was designed to guarantee white political control. Amid the fear, Montgomery, and Montgomery alone, spoke with hope and a strategic vision that goes beyond racial violence.

It is commonly said that Montgomery said Black people should be removed from the vote because they were not intelligent enough to vote. This is false (Montgomery 2004). There is not a line in his speech in which he says there is something wrong with Black people. He is in a negotiating situation, where those whom he represents have little enforcement power but much that they deserve. Look at the language. Truly, he does identify himself as a Mississippian, and thus seeks an atmosphere of good will. “Sometimes, Mr. President, as I gaze over our broad acres, my heart would rejoice in the progress and glory of Mississippi . . .” But he pulls back. Amid the satisfaction, “is a feeling of sadness [that] represses my exultation, as the unanswerable question arises.” Thus, he continues. “How much of life, how much of privation, sorrow and toil has it cost my people?” In all the growth, “Perchance every acre represents a grave and every furrow a tear.”<sup>16</sup> This man who knew Jefferson Davis, asked a room full of Confederate veterans on behalf of all the Black people of Mississippi for reparations saying, “And what have they by way of recompense?” Montgomery’s vision of racial cooperation rested on an earnest and honest confrontation of the losers of the war. He hoped to secure their pledge to a loftier national vision that acknowledged a military victory by the North, a demographic victory by black people in Mississippi, and a protest against the white mob violence that had suppressed the black vote since 1875. “I think of these things, sirs, when the hot words flow fast, when you have no patience with our shortcomings and think that the task of our elevation is come too burdensome.” Montgomery was making neither a defiance speech, nor a protest speech, but a surrender speech; a surrender in the hope of a future recovery when faced with overwhelming power.

There is not a line in the speech claiming that the white people of Mississippi were right in their demands. But there is recognition that the demand cannot be resisted. “The white people determined that the best interests of the State and their own protection demanded that they should rule.” Montgomery continues. “This rule being generally fixed and arbitrary, virtually amounts to a domination, with a fixed purpose to repress the Negro vote.” It is as if he were directly criticizing the opening day statement of the Convention President, Judge S. S. Calhoun (Hinds County) who had said of “the two races now together, the rule of one . . . has always meant economic and moral ruin; we find another race whose rule as always meant prosperity and happiness, and prosperity and happiness to all races” (*Proceedings*). Montgomery now, a month later, said of the determination to repress the Negro vote. “The methods adopted to produce this result have introduced into the body politic every form of demoralization - bloodshed, bribery, ballot-box stuffing. Corruption and perjury stalk unblushingly through the land.” Montgomery spoke unapologetically and bravely condemning the communal white violence of the prior fifteen years. *The corruption and bribery that stalked unblushingly through*

*the land* was not that of the black men, but of white men, and those Black men who were the tools of the white men.

John Hope Franklin and Alfred Moss referred to conditions where post-Civil War planters took their tenants to the polls and “voted them.” If planters could *vote* their tenants, as big city bosses voted their followings, then Montgomery might not have seen the franchise as always so valuable. If this was true, then there would have been times when blacks were mainly resources in the line of fire between contending planter factions, and arguably sometimes between rich white planters and gun-toting dirt farmers. As I have been urging throughout, the notion that Montgomery’s speech was an infamous capitulation is far better understood as a long-term hope for a recovery in the face of a short-term white demand that could not be resisted.

Montgomery’s formulation approximated that idea of a constitution for the governance of divided societies. Anticipating a term now common in political science “consociational democracy” his speech, accepted a guaranteed white voting majority, while black people would constitute no more than a third of the voting population. The strategy that seems rational, under the extreme adversity with which he began, had to have accepted the idea that the white supremacist constitution would turn over time into a constitution that allowed successful Black progress in coexistence.

### **The Urban Outsiders and Exiles**

Under conditions of extreme adversity, the more outspoken members of a leadership will tend to seek external allies, and to create lives for themselves. The educated outsiders who always lived in the Northern or Eastern cities or who had migrated for political, professional, or cultural advantage most strongly objected to the Montgomery approach. These vocal African Americans, who operated from outside Mississippi, had different degrees of disagreement or agreement Montgomery’s course of action, but all treated it with respect. The closer people were to the realities of the time, the more they were willing to give Montgomery credit, and sometimes to agree with him.

This can be seen in the way that Timothy Thomas Fortune and the *New York Age*, a powerful illustration of the viewpoint of the African American elite who were outsiders to Mississippi or exiles from it, dealt with the situation (Thornbrough, 236-238). *The New York Age* went at the subject on at least three occasions. Twelve days after Montgomery’s speech, Fortune’s editorial entitled, “Disfranchised” explained, “There was perhaps nothing left for Isaiah T. Montgomery of Bolivar, the only member of the Mississippi Constitutional Convention, so called, to do but make a speech on the franchise. . .” Fortune quotes at length a crucial portion: “Perhaps no man was ever called upon by the nature of his surroundings to adopt a more radical or iniquitous measure than was Mr. Montgomery.” Fortune had some reason to know “the nature of the surroundings” (Ibid). His own father was then one of the remaining African American state politicians in Florida where as in other former Confederate states the African American electoral participation had been suppressed.

“Perhaps he adopted the wisest and safest course available to him.” Fortune had some sense of reality, as he also discussed the extremity of the sacrifice, 123,000 black voters. He concludes “Did he do right, was it wise for him to sanction a measure he did approve, binding . . . not only himself, but all the race in his State to accept in good faith and abide by a measure intended forever to disfranchise them, to exclude them from all participation whatsoever in the administration of the government of which they are part?.... It may be that he did, (but) we think not” (Ibid).



Some further calculation is called for. The numbers used, and that Fortune does not challenge, say that 2/3 of the Black voters were being removed. If 2/3 are removed, then 1/3 remain. That is not the same as excluding African Americans from all participation whatsoever in the administration of the government, although that was the ultimate result.

### **Surrendering a Post That Can No Longer Be Successfully Defended**

Frederick Douglass, Frederick Douglass, Jr., and T. McCants Stewart in 1890 showed a clear appreciation of the extreme nature of the Mississippi situation, even while some of them expressed disagreement with Montgomery's action.

Frederick Douglass pays open tribute to Montgomery's intelligence, statesmanlike calmness, and responsibility. "Such a man is not to be dismissed by calling him a traitor nor a self-seeking hypocrite, for he is neither the one nor the other." He then offers a military analogy. "Like a general on the field of battle, he has retreated when he could no longer fight and has surrendered a post which he thought he could no longer successfully defend." On Montgomery's choice, then, Douglass limited himself to attacking the action, not the actor. He said he had "no denunciation of the man Montgomery [who] is not a conscious traitor though his act is treason . . . to the cause of the colored people, not only of his own State, but of the United States." (Hill, 2005.) Montgomery's intention, Douglass says, is beneficent, but his action is disastrous. It is "assassination." Montgomery, he said, has a position that is "deplorable, and will eventually fill his soul with bitter reflections." Douglass's outrage is understandable. There is some evidence that this forecast may have been right, in the end, at least shown by a speech of Montgomery's thirty three years later.<sup>17</sup> The last part of Douglass's critique skips over all the practical issues of the time and moves to a broad rhetorical and philosophical level.

Douglass has nothing to say about what Montgomery should have done during the convention to change the material conditions that he faced in merely being seated and in representing beleaguered black Mississippians. Montgomery, however, being hemmed in by these conditions offers a pragmatic politics. In his Convention defense of the franchise committee report, Montgomery had borrowed directly from Douglass speaking about the Republican Party: "To quote the language of a leading Negro statesman, I will say 'It is the ship. All else is an open, raging, tempestuous sea.'" This paraphrases a speech by Frederick Douglass, in which he said that African Americans had to be Republicans. *The Republican Party was the ship. All else was the sea.* There is a reason for Montgomery not championing constitutional doctrines of citizenship rights that were the absolute norm for Douglass and that have passed into the dominant moral norm for African American leadership and thought. Montgomery operated in a period of counter-emancipation and extreme violence and the 1890 Constitutional Convention illustrated that not all "persons and sects under the broad wings of the American eagle [c]ould be protected in every right, privilege, and immunity guaranteed by the Constitution of the United States."

T. McCants Stewart (1854-1923) was then a person of some prominence amongst the literate African American professionals (Contee in Logan and Wilson 1982, 571-573). Stewart is no longer a well-known figure, though he was active and a recognized leader in black communities as wide-ranging as New York, Hawaii, the West Indies, Africa, and England.

Stewart had been a mere child during the war; and had no standing in the Republican Party and hewed closer to the Democrats in Grover Cleveland's time. Stewart said he was reluctant to criticize Montgomery because Montgomery was a leader in Mississippi, and better able to judge than someone from afar. He said he agreed with the educational qualification,



which is what he thought would reduce the African American franchise. But he thought “Mr. Montgomery should have protested strongly and emphatically against the omission of the property qualification” and against what became “the understanding clause.” Stewart also used his essay to criticize white Mississippians.

Frederick Douglass, Jr., slightly older than Montgomery, had a *New York Age* commentary on October 18, 1890. Like Montgomery, he had an enormous closeness to the attitudes of his father, but also a different tone. The younger Douglass shows remarkable empathy with Montgomery, with whose policy he said he did not agree. He speaks with the cold comprehension of realpolitik.

Look at Douglass’s description of things Montgomery has seen:

- (1) the Negro as slave, freedman, soldier, and so-called citizen;
- (2) Government . . . turn him over to the tender mercies of his former oppressors . . .
- (3) friends counsel patience in the face of murder and persecution
- (4) those who fought the Government given power to nullify rights;
- (5) “the whole North aroused in denunciation whenever force was used to maintain the Negro’s rights at the ballot box”;
- (6) state legislatures given into the hands of those dedicated to a white man’s party;
- (7) colored citizens driven from their homes while the general government is helpless.

Douglass, Jr. says Montgomery “naturally turns to those who have it in their power to better or make worse his condition and tries to bring about a concession which he hopes will be lasting, to better the condition of his people.” Of the policy itself, he adopts language very like that of his father. Douglass the elder had spoken of the general retreating when he could no longer fight and his surrendering what he could no longer successfully defend.

Douglass the younger extends that language.

In speaking of Montgomery’s position, he said: “It seems to me a full and complete surrender, admitting of no rally hereafter. Any policy which puts us deeper into the pit on a one-sided good faith, from which there can be no escape after a violation of confidence, is a bad policy.”

The instructive fact is that no one of Montgomery’s chronological generation of action, no matter how much in disagreement, could fail to recognize the harsh realities and no one could come to the point of denunciation.

### **The Black Elite in Mississippi: Moderates and Denouncers**

Faced by the circumstances of counter-emancipation, the black elite in Mississippi which was made up of well to do, educated, property-owning people were virtually silent in the Mississippi of 1890. These sophisticated, professionally successful, and politically connected people are the key figures who would have had daily interaction with Montgomery and who most likely would have had viewpoints about his role at the 1890 Convention. Among this elite, some were hostile to the attitude of Booker T. Washington,<sup>18</sup> but in this context of counter-emancipation in Mississippi their deafening silence ought to give us particular pause. In this small community there had to have been some place for Montgomery to eat, sleep, some place for a haircut and all the normal things of life. It is unfathomable that members of this intimate black elite would not have challenged him or invited him to talk or gossiped about him if he were reticent to talk about what he had done in 1890 and the twenty-year burden it laid upon them.

**Illustration: Black Elite in Mississippi at the Time of Isaiah Montgomery**

Name	Dates	Biographical Note
Senator Hiram Revels	1827-1901	First black US Senator Elected to fill Jefferson's Davis seat After Senate term resident of Holly Springs, Mississippi An associate of Ida B. Well, James Hill, General William Featherston (Chair of First Day of Convention)
Senator Blanche K. Bruce 76	1841-1898	Maintained farm property and other interests in Bolivar County after Senate term Resided largely in Washington Struggled to maintain a leadership role after Senate
Congressman John R. Lynch <sup>19</sup>	1847-193	Stands out among this group because of his public comments on Montgomery Split his time between Adams County, Mississippi and Washington After Congress served in Treasury Dept. resided mostly in Washington Described Montgomery's Mississippi Plan "not what he wanted, but he seems to have been laboring under the impression that if it were rejected, a worse proposition would be adopted.... It is on this point that Mr. Montgomery, in my opinion, has made a grave, if not a fatal, mistake" by not allying with Judge Joseph B. Chrisman who advocated an unconditional educational and property qualification. Deemed Montgomery who he had known for years, "'a man of good sense, a sound Republican and loyal to his race."

Secretary of State James Hill		<p>Had extensive business dealings with Montgomery, helped negotiate land purchase from railroad company to found Mound Bayou.</p> <p>Secretary of State when Adelbert Ames was Governor, 1874-1878.</p> <p>In passing Hill was the last Republican secretary of state until the incumbent.</p> <p>He had somehow to make his peace with the 1875 results in Warren County.</p> <p>Hill remained in the state the rest of his life, though battled to be regarded as the leader of the Mississippi Republicans.</p> <p>Was a critical Republican patronage manager until McKinley's presidential campaign (Rove 2016).</p> <p>Hill, a close personal friend of Ida B. Wells, organized a meeting between Wells and a minister who was made to apologize for circulating lies that Wells had been fired from school teaching for reason of personal morals (Gidding, 208 &amp; 171).</p> <p>Memorialized with a graveside statue feet from the Masonic temple where Medgar Evers' office was located, on a street named for John R. Lynch within a quarter mile of a street named for Montgomery.</p>
Willis E. Mollison	1859-1924	<p>Democrats threatened this Republican candidate for Secretary of State in 1889; his and other Republican campaigns were virtually abandoned.<sup>20</sup></p> <p>Born in Mayersville, Miss, on the north side of the Yazoo River</p> <p>His Issaquena County Delegate, William Farish, led the floor challenge to seating Montgomery at the 1890 Convention</p> <p>Farm worker, taught to read by a Northern white lady</p> <p>Attended Fisk University and Oberlin College (1876-1880) Returned to Mississippi to manage mother's plantation</p> <p><i>Broad Ax</i> coverage: "popular with all of the leading white and colored citizens and politicians in his native state...delegate to Republican National Convention/s and always cut a wide swath in all public affairs."</p> <p>Relocated to Chicago 1917-18</p> <p>Delta planters used him to rally tenant farmers to buy war bonds, remain on plantations (Woodruff 2003, 52).</p>

Samuel A. Beadle		<p>Attorney practiced from 1884-1913 whose life was documented by Mollison's daughter, Irvin (Mollison 1930).<sup>21</sup></p> <p>Associated with the "black and tan" Republicans squeezed out by Theodore Roosevelt's "lily white" Progressives (Cowan 2016)</p> <p>Rejected when applied for the bar examination in 1884 by a racist judge examiner (Mollison 1930; Middleton 2016)</p> <p>Confederate veteran, attorney Anselm McLaurin (Governor 1896-1900) advocated for Beadle's examination which he passed triumphantly</p> <p>Irvin C. Mollison said "As a retainer he received five hundred dollars a year and all his office expenses. He attended to their landed interests, handled their foreclosures, collected their accounts, drew their deeds, their contracts, and generally did all their commercial work." In addition, he wrote the will for J. B. Hart, "involving a Million Dollars, and according to the last advices of Mr. Beadle, this will was still unchanged."</p> <p>Practiced easily Jackson, Natchez, Vicksburg and Canton but in Yazoo sheriff "told him that they would throw him out if he came in" and in "Columbus, he was not even allowed in the courtroom, Judge...adjourned court and would not hold court while he was there in the city."</p>
Buck Colbert Franklin (1879-1960)		<p>An Oklahoma attorney, and a boy in 1890 knew Montgomery later, was married April 1, 1903 in Montgomery's living room, and wrote years after of "the great Isaiah Montgomery" (Franklin 1997, 126).</p>

The conspicuous silence on Montgomery among black legislators and government officials is particularly noteworthy as an indication of the icy and violent context of counter-emancipation. Congressman John R. Lynch, Senator Hiram Revels, Senator Blanche Bruce, Secretary of State James Hill and Republican Candidate Willis Mollison embodied the small, town-based, landholding African American middle class. Though their focus on the national political arena may have misled them about the particular constraints facing Montgomery, especially the significance of the "dirt farmers" who began the Convention with a report stating "we are opposed to an educational or property qualification as applied to elections" (*Proceedings*) and whose candidate for president, R. C. Patty held the coveted franchise committee chair. The following illustration compares the members of this elite and their roles in this community that had such an outsize impact on national politics.

### **Montgomery's Most Ardent Detractors: Sidney D. Redmond and Ida B. Wells-Barnett**

While this close-knit and surprisingly muted black elite extended a mood of relative understanding, even in disagreement, Sidney Redmond unleashed positively public vitriol and perhaps vocalized the viewpoint that the violence of the counter-emancipation meant to strangle and crush. No one was more critical of Montgomery than Redmond.

To an interviewer working for Ralph J. Bunche, Redmond say that “there is one Negro who will be remembered in future histories as the Judas of his people...Isaiah Montgomery” (Redmond in Bunche 1972, 436). He did not mince words. The reason that Redmond gave was that “Montgomery betrayed his people by voting for Section 240 of the infamous Constitution of 1890 which wiped out the political liberties of the Negro people and the vast masses of white people.” He went on to tell the interviewer that “Montgomery was lionized and acclaimed by the Bourbons for this betrayal.” The Redmond view, mixed in with the Lynch recital, has since become the standard 21<sup>st</sup> century interpretation of Montgomery in 1890, accepted also in the civil rights movement and amongst African American legislators.

Redmond is an outstanding example of this black elite: educated, self-employed, and leader in local and national politics. V. O. Key cites Redmond's estate as having been probated at \$808,000 which is equivalent to \$22,349,812.75 in 2019 dollars, but has nothing of substance about his politics (1949). Redmond would have been 19 years old in 1890. A person of considerable energy and drive he attended medical school, and became a successful entrepreneur, and then became a lawyer when, according to his son, his own health made medical practice too hard for him (Holden n.d.). He was also an active Republican politician, State Chairman at the same time that Montgomery's daughter was the National Committeewoman. Like the other few high-profile detractors of Isaiah Montgomery, Redmond demonstrated how deeply committed the plantocracy was to excluding black people from participation.

The best evidence on how people felt about Montgomery comes, in my view, from Ida B. Wells-Barnett (1862-1931). A Memphis based journalist, Wells-Barnett had a reputation of unrelenting criticism of those with whom she disagreed. She published him so severely in her weekly newspaper in 1890 that he made a trip to Memphis to see her and explain his position. Upon reflection in 1931, Wells said that she had never agreed with what he had done. Nonetheless, “we became the best of friends, and he helped to increase the circulation of the paper wonderfully by sending me all through the Delta.” [ . . . ] Even Montgomery's most ardent detractors had to understand the ways that he operated in an era of terror and the damning impact of his role in the 1890 Constitution on his reputation.

### **Black Literati who Favored Militancy and Detested Accommodationism: The Interpretation from Saunders Redding**

This third set of educated commentators are hard to identify except generally African American intellectuals who enthusiastically repeated the denunciation of Montgomery Redmond and from the civil era leader mentioned by Charles Kenyatta Ross. They have an attitude that would result from the combined accounts attributed to Lynch and to Redmond, as further restated by George Sewell and Margaret L. Dwight.

Sewell and Dwight say that “Montgomery’s vote helped George and the Democrats elect the temporary chairman, thus gaining control of the convention for the Democrats” (1984, 162). *The reader might think that there was some choice other than Democrats.* There was not. All of the delegates were Democrats except four. As noted above, there was a lot of organizational business August 12, that first day of the Convention. An official record does not show informal conversation in the cloakroom or out in the hallway. But in the very first day, one delegate, “Mr. Love, of Amite, offered the following: Resolved, That the Convention do now proceed to the election by ballot, of President of the Convention.” As noted, some kind of hallway conversations had to have taken place, since the proceeding moved quickly to skip the balloting. “Before action thereon (on Love’s motion). Mr. Powel of DeSoto. Moved that Hon. W. S. Featherston, of Marshall, be elected temporary Chairman. Which was unanimously agreed to.”

As editors of an encyclopedic work, Sewell and Dwight were at the mercy of their sources, but they were wrong in what they took.

There are some lucid passages in the account of Montgomery by Saunders Redding (1973). Redding was a highly capable African American scholar, known to the small community of African American scholars in the 1940s. It is likely, to judge from book review citations, that his account may have been particularly influential with African American scholars at that time.

Redding’s comments are brilliantly written and consistent with what African Americans might then have wished to read. But they also seem utterly unreliable. For example, Redding cites exact quotations about family conferences in kitchens, and Redding reports such conferences in the late 1860s as if a stenographer had been there (1958, 79-80).

The materials appear to be based upon interviews that Redding had in Mound Bayou some time after 1938, since he refers to some deaths that occurred in 1938. Redding foregrounds conversations, personalities, and relations between Montgomery and his cousin, Benjamin T. Green, that are significantly negative about Montgomery and favorable to Green or Green’s widow.<sup>22</sup> Redding does not seem careful about giving the reader any idea of the quality of his evidence. All one can read from his material is that he is anti-Montgomery and frames his evidence smoothly. The best one can guess is that someone told him something that allowed him to formulate a “narrative.”

### **The Montgomery Failure and Montgomery’s Afterthoughts**

Even while accepting provisions designed to remove two thirds of black voters-- not all of them-- in order to guarantee a white majority, he said fully a third of the black<sup>s</sup> could accept any fair standard that whites would impose on themselves.

–“It is due to us also that there should be some expression on the part of this great body indicating that the price is adequate, that the contract is ratified and accepted...” This is effectively a rhetorical claim of a political deal. It is the kind of political deal, in large part implicit, that Konrad Adenauer would have to hope that Charles DeGaulle would accept. In the



interest of French acceptance, Adenauer accepted economic policies that did the French more good than they did the Germans”(Irving 2002, 108). The problem is in the capacity to enforce a political deal. In this respect, the Douglasses – father and son, but especially the son – were correct in describing Montgomery’s speech as putting forth a deal that could not be enforced.

The political logic of the inferior (or weaker) position was the same. But other things were happening, none of which implied mutuality. Frank Montgomery neither believed in the new Constitution, nor thought (the person of color) a menace to white supremacy. But he said there were many thousands of Blacks who could, if they would, qualify themselves to vote, and would certainly hold the balance of power. That was Frank Montgomery, speaking to an unspoken implication that, at some time, African Americans still return to participation in voting.

In the same period, Isaiah Montgomery continued to correspond with Booker T. Washington reciting the privations imposed upon enterprising Black people. In he wrote a paper for the 1910 paper reunion of surviving delegates, saying that the race problem had been removed from politics forever. This was so patently uneconomical with the truth—Vardaman and Bilbo both being on the rise—that it could hardly have been more than an appeal.

If he did not reveal the sense of failure, he surely revealed delicately a sense of concern. In 1923 he gave a speech—his last so far I have found—in which he had to come back to the racial problem. He referred to his 1890 convention speech thirty three years before. “I pictured then that if our new compact, our new constitution, in its administration, failed to be true and just in taking into proper account the race with which I was identified, then the silent conflict would still go on, affecting every phase of his varied occupations.” This came close to admitting, in so many words, that his 1890 strategy, as expressed the speech, had not worked.

Mound Bayou was almost all that was left—a symbol for Blacks throughout Mississippi—at the same time that some Black writers more and more characterized Montgomery as Uncle Tom, without any idea of a concept of a strategy.

But against the unlimited denunciation of Redmond, there is the eulogistic praise that almost certainly had the approval of Montgomery himself (Ibid, 3& 46). Green Polonius Hamilton in 1911 said Montgomery’s speech “in the Constitutional Convention against the abrogation of the Negro’s political rights was one of the most masterly efforts that ever was delivered in the State of Mississippi, and electrified the whole nation.”

Further said Hamilton. Montgomery’s “impassioned plea for moderation in dealing with the people of his race, . . . was couched in language as appropriate as it was elegant and diplomatic.” did not prevent the passage of the plank that was hostile to the suffrage of the race, but the conciliatory spirit that it breathed did much to soften the asperities that were the result of its enactment” (Hamilton 1911, 283).

But Montgomery was dead as of 1924. The silent conflict would still go on, and the concept of white supremacy would be reasserted as the public norm at least to the 1960s. It is apparent that I think historians, political scientists, and others, have yet much to learn of how to evaluate Isaiah T. Montgomery and the 1890 Constitution, how to study what Montgomery did, how to understand the making and use of the 1890 Constitution until now. Above all, if we had more time in this symposium, I would refresh the question of how then to develop the generic question of political strategies under extreme adversity. In the shortest terms, this calls for studies that I have not thus far seen, of theories of political strategy that vary according to the severity of adverse forces of force, of money and its surrogates, or of information.

### Summary

I mainly deal above with the reputation of Isaiah T. Montgomery (1847-1924). Reputation controls a good deal of what scholars think it worthwhile to study.

Whenever a group in power shall have encountered defeat, those who have won must know that counter-attack will come. Those who would understand Mississippi, and its role in the American polity, have also to come to terms with counter-attack, especially as it was manifest in 1874-75 and again in the remaking of a constitution in 1890. The Constitution of 1890 was a white supremacy constitution. Its background is a period of intense killings—indeed, massacres—chiefly of Blacks by whites.

When the Convention assembled on August 12, 1890, it had 133 white delegates and one black delegate, Isaiah T. Montgomery. His situation was a measure of political strategies under extreme adversity and approximated the idea of a constitution for the governance of divided societies. What mass Black opinion would have thought is impossible to estimate. We can make some guesses about (a) educated outsiders who lived in the Northern or Eastern cities (b) well-to-do and educated Black people resident in Mississippi and (c) Black literati who favored militancy and detested accommodationism.

Montgomery failed in that he discovered no means to enforce a deal of mutuality and came close to admitting, in so many words, that his 1890 strategy, as expressed in the speech, had not worked. Some Black writers more and more characterized Montgomery as Uncle Tom whereas others (such as Green Polonius Hamilton) considered Montgomery's speech "in the Constitutional Convention against the abrogation of the Negro's political rights was one of the most masterly efforts that ever was delivered in the State of Mississippi" and "an impassioned plea for moderation in dealing with the people of his race, and it was couched in language as appropriate as it was elegant and diplomatic."

When Montgomery was dead as of 1924, the silent conflict would still go on, and the concept of white supremacy would be reasserted as the public norm at least to the 1960s. Scholars of power, African American and otherwise, have yet to study what Montgomery did, to examine the making and use of the 1890 Constitution, and to refresh the generic question of political strategies under extreme adversity. There is where, from my viewpoint, serious attention should lie.

### Some Further Questions, Especially for Researchers, Teachers, and Decision-Makers

Imagine that the *ABA Journal*, *American Historical Review*, *American Political Science Review*, the *Harvard Business Review*, the *Journal of Politics*, the *National Political Science Review* – or any other serious journal-- were to issue a call for papers on "political strategies under adversity," what new thinking would we get?

Working idea 1. Political strategy requires that a less powerful entity—a single human being in a working group or a committee, group in a set of groups, or a nation amidst nations – find a means to be worth something to potential allies. The task of the representative of a subordinated group, such as Montgomery in 1890, is to find means to minimize impending damage.

For further thought, one may take note of some things to be expected, or that suggest where working propositions may be offered.

1. Denunciation. If a person of a given group votes with the other group, especially

if the other group is patently hostile and intends ill, he or she is certain to be denounced.

2. The demand for defiance. There are very few African American achievers who are held in high respect unless they had records of harsh denunciation of white overrule. "The spirit of defiance serves a need that prudence has usually forbidden people to gratify: to compensate for the pervasive humiliations of past and present by telling 'the white man' where to go and what to do, and making him go and do it!" (Holden 1973, 18 n. 19)
  3. Where did Montgomery look? Montgomery looked exactly to the most vocal exponents usually found in the settlement of large public issues: the politicians seeking office ("from the hustings"); the mass media as we now call them ("the public press"), the sources of higher learning and its diffusion ("the lecture platform"), and the accepted interpreters of public morality (the preachers in "the pulpit").
  4. What the conditions under which the dominant group stops demanding? The question unresolved in academic research and teaching is "what are the conditions under which a dominant majority recedes from its most intense demands?"
  5. When should one forecast that the hostile will become still more hostile?. After 1890, thus after Montgomery's time in the Convention, and especially after the beginning of the 20<sup>th</sup> century, James Kimble Vardaman and Theodore Bilbo rose to power on the simultaneous assault on "aristocracy" and a virtually psychotic assault on the Blacks.
  6. When did the "understanding clause" become controlling? It is plausible that the "understanding clause" only came into play as a backup device only when the Federal courts denied successively the variety of obstacles that were set up as impediments to voting.
7. How does begin answering the Wildvsky question. Within these terms, there are some operational questions that might now be presented to researchers and –above all -- to teachers at every level from K-12 through university levels.
- (a) What are the data sources and what are the usable methods for knowledge about white Mississippians' attitudes and transactions so as to verify or override Redmond's claim. If "Montgomery was lionized and acclaimed by the Bourbons", the identification of the planters and some evidence of what they did should be possible.
  - (b) If you took the role of the African Americans as they lived in the 1880s, going into the year 1890, what other strategies could you imagine?
  - © In any case, if you set up a simulation, what would you expect the student playing Montgomery to do?
  - (d) What questions would political science theory would guide us to ask and thereby create some data that we do not presently have? If you or I set up a simulation, what would we expect the student playing Montgomery to do? (Holden 2000, 1-10)
  - © College students in 2016 were probably born and brought up in the world since 1994 thereabouts. So if you and I were teaching the 1890 situation as a case study, how would we predict them to frame the Montgomery problem?
  - (f) What would the political careers of Vardaman and Bilbo have become if the post-1890 numbers expressed in Montgomery's speech been sustained?
  - (g) What political science theory or political science method would adequately reproduce what we already know? Could rational choice, behavioral political science, institutional analysis,

or the various forms of quantitative or mathematical theory or method now required in graduate school enhance the question of political strategies under extreme adversity (Mettler 2011, 53-55)?

The fact of the Obama Presidency embodies the end of white supremacy. But how can political scientists, best interpret a theory of “the post-racial” society (Henry Allen, and Chrisman 2011)? It is intellectually trivial to spend much effort on the proposition that the Obama Presidency has not dispelled either racial awareness or degrees of inequality. The end of white supremacy-- the absolute veto based on African ancestry-- is not the same as the disappearance of a stratified racial regime. What does it take for multiple groups to live in amity in the same political system?<sup>23</sup>

Demography and economics drive us to consider what the Montgomery strategy may mean in the multi-racial polities, and the multi-racial or multi-ethnic economies, in Canada, in Britain<sup>24</sup> and Western Europe, in Russia and other countries of the former Soviet Union, the Middle East (including the Arab citizens in Israel and the sect differences in the Arab countries), Africa and in Asia and the Pacific all the way to Australia. By this recitation in the last sentence preceding I also offer the proposition that most countries in the world face the challenges of the Montgomery problem. In a single phrase, “domestic peacemaking” is a process not yet much studied in political science and related fields. It should become so.

### Notes

1. This dedication occurred in Kentucky where Lincoln was born, and occurred six months after the 1908 race riot in Springfield, Illinois, where Lincoln lived most of his adult life, and where he was interred. *Isaiah T. Montgomery and Emancipation: A Working Paper*, adapted from note in preparation for the 2012 Wepner Symposium on the Lincoln Legacy and Contemporary Scholarship, University of Illinois at Springfield. ([www.uis.edu/wepner](http://www.uis.edu/wepner).) Montgomery’s own statement of what he did in 1890 is set forth in his own speech at the Convention, which I have elsewhere reproduced and edited, along with my own commentary.
2. From folk wisdom to proverbs to platitudes of national leaders people are reminded to protect their reputation. When I was a small boy, the Delta culture taught the avoidance of “bad company.” My grandmother for some reason said, “son, if you play with a puppy, he’ll lick your mouth.” By this she meant to provide a moral lesson about inviting dangerous outcomes and harm by associating with those of ill repute. Wherever the Old Testament is part of cultural education, people know Exodus 10:1, the scripture says that “dead flies cause the ointment of the apothecary to send forth stinking savor, so doth a little folly him that is in reputation for wisdom and honor.” In more secular terms, Baroness Thatcher (1925-2013), after a long and successful career, said “Once a politician is given a public image by the media, it is almost impossible for him to shed it.” Thatcher continued that “At every important stage of his career, it steps between him and the public so that people see and hear not the man himself but the invented personality to which he has been reduced.” When Isaac Deutscher wrote a three volume study of the Bolshevik Revolution and its three main figures, Lenin, Stalin and Trotsky he said that one of his tasks had been to clear away the load of dead dogs piled atop Trotsky’s reputation. If someone is ever to write a proper study of Isaiah T. Montgomery, something of that sort may be called for in dealing with the reputation of Isaiah T. Montgomery. Amongst the scholars of African American politics, the Mississippi Con-

stitution was the puppy that licked Montgomery's mouth or the dead flies that gave him the stinking savor, reducing him to an invented personality. If this man of an invented personality were a contemporary writer, he might choose an expression from Edna O'Brien. "You write with the best intention, and, if that is savaged and misinterpreted, it is very hard." See Roslyn Suleas, "An Author Still Gripped By Dark Questions," *New York Times*, The Arts, Saturday, March 26, 2016, C1.

3. Charles Kenyatta Ross, Conversation with Matthew Holden, Jr., June 2004, at University of Mississippi. The quoted civil rights leader expressed an attitude similar to that of the litterateur J. Saunders Redding.
4. This is in contrast to Tennessee which allowed free Black voting at least until 1834 and North Carolina which allowed free Black voting until 1835. See Charles H. Wesley, "Negro Suffrage: The Era of Constitution-Making," *Journal of Negro History* (April 1947, 153).
5. Calvin Jillson; Also, Peter M. Shane, "Analyzing Constitutions," in R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (eds.), *Oxford Handbook of Political Institutions*, New York: Oxford University Press, 2006, 191-216.) Within this definition, there are five intersecting sets of rules: (a) Membership or who is inside, who is marginal (and possibly admissible), and who is present only as a (whether respected as in the case of Green Card holders); (b) reservoir rules (or who is potentially eligible for offices of authority); (c) recruitment rules (or procedures for the actual choice of officeholders); (d) substantive output rules (or what substantive decisions may or must be decided and what not, e. g. private ownership of property in the United States, or marriage rules. When I first began to consider this, the constitutional issue most obviously concerned marriage between persons of different racial groups. In 2016, the most obvious issue concerns same sex marriage.), or the unusual question of the exercise of military power; (e) decision process rules; and (f) constituent rules (or rules for changing rules). Tetsuya Kataoka, *The Price of a Constitution: The Origins of Japan's Postwar Politics*, New York: Taylor & Francis, 1991 on exclusion of military preparation from Japan's Constitution.
6. One version of this challenge to white leadership is known in constitutional law as *Ex parte McCardle* a case which resulted in the US Congress severely limiting Supreme Court jurisdiction over a *habeas corpus* claim. See Christopher Waldrep, "Black Access to Law in Reconstruction: The Case of Warren County, Mississippi—Freedom: Politics," *Chicago-Kent Law Review* 70" 2 (Symposium on the Law of Freedom Part I: Article 7, December 1994.
7. Shadd served in the Mississippi was the brother of Mary Ann Shadd, who has received a fair amount of attention in 21<sup>st</sup> century feminist writing.
8. See *Vicksburg Herald*, Nov. 5, 1873
9. Furlong's speech in favor of the impeachment of A.K.Davis.
10. Start with the number twenty five. That was the low number reported. Arithmetically, this is approximately one in every 840 people. Apply that ratio to New York City. If the 9/11 attacks had killed people on the scale of about 1:840 for the whole city, then the



result would have been about 7500 persons. If the killing rate indicated by Harris's low number had been attained on 9/11, *then the al-Qaeda terrorists would have killed more than twice the number who actually were slaughtered*. If the killing rate indicated by the use of Harris's high number had been operative, then the al-Qaeda terrorists they would have killed thirty times as many people as they did.

11. If had time, and the appropriate skills, I would digitize the records of the U. S. Senate investigation of the 1875 coup. As far as I can discover, that has never been done.
12. See Matthew Holden, Jr., *Isaiah T. Montgomery and Emancipation: ITM Discussion Paper 2013-3*, Isaiah T. Montgomery Studies Project, P. O. Box 14088, LeFleur Station, Jackson, MS 39236—Make Note
13. As a state senator, Moore later and sponsored the legislation to create the Mississippi Department of Archives and History.
14. Montgomery counted himself as a planter.
15. The Convention ran from August 12, 1890 until November 1, 1890.
16. Randall Robinson, chief architect of the reparations movement, could not do better if he wanted to argue a philosophical case for reparations.
17. See Isaiah Montgomery Papers on the address to the Committee of One Hundred.
18. This my inference from commentary by Beadle's great-grand-daughter, Dr. Jeanne Middleton-Hairston, in a program by Geoffrey Cowan, at Tougaloo College, February 26, 2016.
19. See *New York Age*, October 18, 1890.
20. See *The Broad Ax*, a Chicago African American newspaper, of June 07 or June 14, 1924. This WWW page was created by Wendy Plotkin (wendy.plotkin@asu.edu) in 1998 and updated on 1 September 2003.
21. Mollison, Irvin C. 1930. "Negro Lawyers in Mississippi," *Journal of Negro History*, which is the basis for the treatment of the same subject in J. Clay Smith, Jr, *Emancipators?*; This account is also presented in an address by Michael Middleton, Interim President of the University of Missouri System, which he was gracious enough to share with the author in early 2016. Middleton is one of the great-grandchildren of Samuel A. Beadle.
22. Mrs. Eva P. Green Francis: It was at least true Mrs. Green felt displeased at Mound Bayou, just five years after the town was settled. She wrote a letter to Isa B. Wells that was published in 1892. "After an altercation with a white man, Mr. Green was forced to flee into the woods . . . and soon after was followed by other men, women, and children . . . 'I am told Miss editor that the only way to save our community from destruction is that Mr. Green must make an apology . . . he must now sacrifice his manhood and honor to appease the wrath of the white man'" (Giddings 2008, 204-205, n. 40). Who can tell what Mrs. Green, later to be Mrs. Francis, meant when she asked in that letter if Ida B. Wells could send her the name of a reliable man out west? From this one infers



- that Redding's material came from the widow or, less likely, Benjamin A. Green, the son who was mayor and justice of the peace, at the time of Redding's research. Judge Green, as he was known, was nine years old when his father was killed. He could not have known much worth reporting, but he could have heard from others that would be worth reporting. He could have reported his mother's interpretation of Isaiah T. Montgomery's reaction when Benjamin T. Green was murdered.
23. Perhaps the most frightening experience is that emancipation can be followed by counter-emancipation, which is that of Jewish emancipation in 19<sup>th</sup> century and early 20<sup>th</sup> century Europe.
  24. As to Britain, 21<sup>st</sup> century students should know at least two things. (1) One is that "the United Kingdom" once included Ireland and the status of Ireland (and Irish people) took a special turn in 1916 with the Easter Rising. From the rising came a struggle leading to the Anglo-Irish agreement of 1922, which put aside the achievement of a republic, the assassination of Michael Collins, and the many years of trouble and adjustment until the Good Friday Agreement. (2) Black-white struggles overtly have taken a form in England, at the least, that students of racial issues in the United States do not study much (although William E. "Nick" Nelson did).
  25. Bolivar County Note: The inquiry in this whole paper suggests the need and opportunity for a serious and objective history of many aspects of Bolivar County itself. Since the racial relationship is so important, there is a need for a serious comparison with adjacent counties to the north (Coahoma, where both James L. Alcorn and Nathan Bedford Forrest had interests), to the east (Sunflower), and south (Washington) where the Percy interest was so strong. Bolivar was the county in which Blanche K. Bruce was sheriff and tax collector and a land owner before he was elected to the U.S. Senate. Probably the most important white political family in the 19<sup>th</sup> century and in the 20<sup>th</sup> century was that of the Sillerses. An instructive compilation that people should see is Florence Warfield Sillers (comp.), *History of Bolivar County, Mississippi*.
  26. Williams S. Farish of Issaquena County: "Farish, William Stamps," *The Handbook of Texas*. Online. <http://www.tsha.utexas.edu/handbook/online/articles/view/FF/ffa7.html>. Mr. Farish's son graduated from University of Mississippi Law School, moved to Texas, got into the oil business, and became President of Standard Oil Company of New Jersey, a predecessor company to Exxon, and one of the founders of the American Petroleum Institute. As a virtual excursus, there is an apparent connection all the way into the 21<sup>st</sup> century. In the time of the first Bush Administration William S. Farish was shown as a trustee of Beauvoir, the memorial home of Jefferson Davis at Biloxi. He was also shown in the public reports as who is the Ambassador to the Court of St. James, a leading man in thoroughbred horse racing, and close friend of the Bush family. Delegate Farish in 1890 could not foresee the fate of Belvoir and thus could not see that descendant would be a trustee.

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## **The Role of Pathology and Studying Race, Comments on *Renewing Black Intellectual History: The Ideological and Material Foundations of African American Thought***

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### **Abstract**

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**Keywords:** *Renewing Black Intellectual History: The Ideological and Material Foundations of African American Thought*, Adolph Reed, Kenneth Warren

### **I.**

*Renewing Black Intellectual History* is an ambitious collection of writings focused on the black population in the United States. It was assembled in response to a concern to shift and reinforce attention to dynamics in practical life drawing on events through the years, exploring the racial experience in relation to defining trends in America. The writing is focused on the national developments in the period since emancipation when this population became probably the only group in the "modern" era to find itself "freed" as a race (not a "people") and without a "homeland," a native language, or other prerequisites certifying identity – a reality complicating, even, Frederick Douglass' declaration of his Americanism, as reported in Kenneth Warren's essay in this volume (13).

At issue is a challenge resulting from that emancipation but persisting in recurring efforts to critique "racism" or grasp "identity" usually through the great protest movements, but more recently in the establishment of special academic programs at colleges devoted to writing and teaching about the black experience. The editors point to these programs as one spur to this collection. They worry that teaching curricula fall short and, while invoking the mission of

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the programs, seek to respond by re-conceptualizing basic material for teaching in the face of skepticism (ix-x).

One might hesitate to call it political theory, but the signs are there as we see analyses assessing “material foundations,” and reflective inquiry about the quality of collective life associated with the shifting “eras.” It is an inquiry about which one might apply the term “modern” or, indeed “post-modern.” As such, this collection raises a challenge directing our attention to the hegemonic regions of the world, and in this case perhaps to what the Old Black Muslims (and many a Christian mother) would have called, the devil himself! (Dubey in Reed and Warren)

The essays included are written by scholars who work in formal academic disciplines including political science, English, and history, and draw as well from cultural studies. There are nine different authors distributed among the fields and two editors (Adolph Reed and Kenneth Warren), who work in different disciplines. An assortment of perspectives is to be expected and indeed, there are times when that becomes a bit of a strain especially where the non-empirical insights of one field tell us that when describing social events, “spaces” may be “real or imagined,” or that an author commenting on public life is found to “slide between literal and metaphorical use of terms.” We find characterizations not likely to meet the measurable (or material) experiences important to another field, or detail the dynamics wherein choices are made by “real people.” Still the larger message here is instructive: race-study involves multiple levels of attention to the range of interactions and to insights across disciplines. As such, this collection may be seen as showing that the effort to understand this issue of “race” is hardly restricted to a single specialty affirming, thus, the benefit of collaboration among scholars expecting to benefit from interdisciplinary unity in reviewing “regimes of study of black America over the previous century.”<sup>1</sup>

## II.

There is a certain continuity. It is reflected in the attention here to what I’ll call the condition of lag— *within* the race —as an impediment to advancement. By “lag” I refer to a political consequence resulting from an internal condition where a group is crippled by its reliance on a laggard collection of kindred lacking the values or skills or etiquette to operate on the front side of the human endeavor, particularly the civilizing enterprise. We do not speak here about a so-called Talented Tenth of the kind we associate with W. E. B. Du Bois (also addressed in writing included here). Rather the concern is with the persisting notion that a group suffers from the presence of laggards, not the misdeeds of the elites.

What is striking as one reads through the articles in this volume is the way this theme recurs as events are reviewed over the years. Historian Touré Reed writes about such a notion in early twentieth century New York City. He finds a parallel in the way the image is applied to the Jewish immigrants and then to the blacks, both those migrating from the Cotton States and others emigrating from the Caribbean (T.F. Reed in Reed and Warren). But if we leave New York and go to the University of Chicago School of Sociology, and the focus of the writing here by two political scientists, we find similar attention to the need to account for the laggards in a black population migrating in the early 1900s. Dean Robinson notes the attachment of the Chicago school to the “culture of poverty,” a notion designed to account for characteristics retarding the “assimilation” then seen as the measure of accomplishment for those outside “largely white Protestant, Anglo-Saxon origins” (Robinson in Reed and Warren, 187). Preston Smith focuses on the attention the Chicago academics gave to the theory of “Human Ecology” as a way of



characterizing the migrants wherein the internal differences were marked by the demographic distribution (Smith in Reed and Warren).

Smith reminds us that Robert Park, perhaps the leading theorist in the Chicago school, consulted with Booker T. Washington about the black experience in the cities (in this case Chicago) and its “social disorganization” -- a sign that the race could not measure up and that perhaps the best thing for the Negroes would be selective resettlement back to their place (homeland?) in the Old South regions. That proposal found elaboration, as well, in the Nashville school of southern thought at Vanderbilt University celebrating the racial separation in the agrarian South as demonstrative of reform best able to manage relations in the post-slavery era. However, reverse migration would be made unnecessary by yet a third line growing out of this setting where other scholars, conceding the failure of assimilation, loaded their analysis on to a new category -- the “marginal man” -- wherein blacks are no longer expected to assimilate as the condition is now understood as beyond their reach and rendering them marginal “due to biological rather than cultural differences” (Robinson in Warren and Reed, 207). In the work of Smith, Robinson and T. Reed, one sees how interpretations involving attention to lagging populations is applied in disparate locations. It seemed a good point to make in a serious review and even more so as the theme would come out again in the succession of articles included here.

Madhu Dubey, dealing primarily with literary sources, engages the theme calling attention to the current viewpoint located in a “racialized logic” and seeing an “underclass” onto which the laggard qualities are read. It is a resurrection of attention, by the academy, in these times and would be formalized through a genre of work by sociologists of the second half of the century, typified in the writing of Daniel Patrick Moynihan and William Julius Wilson, establishing a putative norm assessing prerequisites for civic standing. One anomaly in today’s setting is the involvement of black voices more comfortable than their predecessors with the discourse and more active as participants in a “black pathology industry” even as it reinstates an alien vision of a subset of the citizenry (Dubey in Warren and Reed, 224-226).

In the final essay, Adolph Reed looks at the issue in the context of hurricane Katrina in August of 2005, focusing on the politics around conditions in the City of New Orleans and the way discourse about how to overcome this tragedy would be relocated onto the ascendant ideological frame essentially stigmatizing the black population already victimized by the storm. It would be the closing of a century-long journey from post-Civil War settlements in New York City to the Ninth Ward of New Orleans (Robinson in Warren and Reed, 193).

### III

The role of pathology in defining race can’t be dismissed because of its historic location in the anti-slavery movement. Indeed such attention is grounded in the slave experience making it appealing on two grounds where, on one hand, it sustains the moral repulsion the chattel slave system promotes and, on the other hand, frames rational grounds for presuming the range of debilities to exist in the ex-slave population, sure to bequeath a unique black experience after freedom.

This attention to “laggards” establishes a troubling, if seductive, theme asserting there to be an underlying instability facing the organization of racial advancement and complicating any serious attempt to understand such efforts. These authors do not dwell on the implications of such a notion as we might here, but they are weary and turn away from what they see as the central message, and flaw, of the line: an unstated faith that the ability of the “race” to grasp

things rests someplace else than in typical qualities of opportunity, resource, or passion – the notion itself an outcome of the complex issue of a homeland unclaimed, myths churned about the black experience, and the seductive appeal in “reigning theories about culture, family structure, dysfunction, and mobility” (Ibid). The result is a common sense and preemptive rationalization sure to ease the mind of Uncle Tom even as he sees the bucket’s got a hole in it.

This may be said to amount to an intellectual model for race study in the U. S. As scholars, we could applaud ourselves, urge an encounter with a “new” challenge to engage our work calling for intensified empirical research with which to refine our modeling to more reliably fashion recommendations to account for those racial flaws.

But there is a certain complexity about the matter. An odd fit? The casual observer is typically skeptical. The line of thought has little or no appeal in everyday life except in reference to private behavior unlikely to be convincing as a credible measure of ordinary persons. Doubt is reflected, as well, in the tension among scholars, as noted above. In those early years, Parks and others championed the idea while the blacks who studied at Chicago were more reserved, as Smith says here. In his discussion of New York, T. Reed finds the notion more formally supported by some leadership groups (e.g. the newly formed Urban League) and less so by others. Several of the authors here suggest that the argument did appeal to eminent black scholars, including Frazier, who had been a student at Chicago and would later write an assessment about the role of family life as a measure of social standing. Yet, Frazier’s role is complex and hardly serves as an endorsement.<sup>3</sup>

Further, the casual assumption about complacency was hardly confirmed by everyday life given dramatic mass action in the era, including community organizing, reflected in the Negro Fellowship League, a Chicago Settlement House run by Ida Wells-Barnett,<sup>4</sup> labor organizing, boycotts and armed self defense. A turbulent drive occurred in the decade ending in the mid twenties under Marcus Garvey and discussed here in writing by Michele Mitchell. Alas, a sense of the race designed to fix its place is denied by the beneficiaries of its attention showing that those living under stereotypes make assessments too. And it was not especially difficult to see how, under these terms, the ascription of such an identity preempts grassroots organization, making the prospect for change seem limited and promoting demobilization.<sup>5</sup> It was a very high price. Still, the habit of reading race as a condition of immobility would settle in the reigning ideology, not to be overcome until the mass action at Montgomery in 1955-1956 (Mitchell in Reed and Warren).<sup>6</sup>

Even that militancy is matter in contention. Its affirmation was not to be easy as activists searched for an organizing plan in the expanding eruptions in what is now typically understood as a successful Civil Rights Movement. Robinson’s essay discusses the interplay in which the dynamics therein would give rise to an assertion of an alternative organizing rationale in black nationalism, as a dissident sector sought to turn away from racial integration to what it called Black Power. Robinson is concerned, however, that the alternative was hardly a break -- more like patchwork -- and was often seen as confined within a mainstream ethnic pluralism. So while the mass protest may serve to move racial reform, especially against the widely discredited segregation system, it seemed a partial step toward grasping basic political issues essentially remaining less focused on questions central to civil society and rather expected to operate in “subordination to the frameworks of cultural and political pluralism” then enjoying hegemony (Robinson in Reed and Warren, 185).

## IV.

More significantly, however, such a view of the racial experience as dominated by laggards may simply fail to account for disconfirming intentions overlooking behavior in communities. The issue is reflected in historian William Jones' essay entitled in part "*How Black 'Folk' Survived in the Modern South*," where he looks at conditions of work in the post-slavery era and into the early decades of the 1900s. This involved low-level industrial jobs (non-farm work), in sawmills and lumbering resulting in resettlement, into small towns giving rise to a family and community setting no longer constrained around farm life, not unlike their counterparts in the northern cities. This is a moment when the bi-racial Old South is being transformed by shifting material conditions, including a fledgling industrial sector, reallocation of white labor to the newly arriving textile mills, the expansion of sawmill employment among blacks, and a dramatic out-migration to the north increasingly involving both groups.<sup>7</sup>

Jones calls attention to Zora Neale Hurston's work in this context supplementing now the classic voices of black thinking by drawing on a woman anthropologist operating in the turbulence of the 1920s and 1930s. It exemplifies a characteristic of other writings here acknowledging one layer of primary work of the early writers and a second, custodial layer in secondary texts, raising the issue of how scholars handle and mishandled her efforts.

Hurston's work was a search for anchors that would show how these communities would stabilize in the face of the shifting conditions. Jones sees in her work an intent to study initiatives in the transformed community circumstance, to account for ways of negotiating a quality into the new living arrangements -- or "adaptability." This involved cooperative initiatives to organize community resources including schools, churches and sporting events. In retrospect one can imagine the proactive element implied there were affirmative arrangements to secure family and legacy.

An important factor was the role of music and of blues music in particular, as that developed around the "barrelhouses," involving social adjustment in a new setting. Hurston saw this as a measure of the building of community. Jones sees the music representing for her a certain indigenous output ("native"?), that frames a platform for what we may call "survival" and what may in fact preclude the vacuum the scholars found missing on the south side of Chicago or the boroughs of New York City, but forming in Bogalusa, Louisiana, one of the locations mentioned here.

Jones mentioned the range of song writers and performers traveling around the barrelhouses, especially the best known Ma Rainey and Robert Johnson who performed in this context, both leaving some lyrics directly invoking the experience. The point here is not simply to celebrate the "devil's music" but rather to examine a mechanism redefined now as an affirmative enabling connections in communities. The sense is that attention to needs is a priority, and failure to cover that would rest some other place than "in the race" (Jones in Reed and Warren, 63).

The music should not be set up as an independent causal item or district from the attention in their communities to other institutional challenges as noted. Yet the music is a measure of attention and proactive efforts in the growth in these communities otherwise so restricted in their wanderings.

Further reading in Jones's discussion of these working and "leisure" conditions reveals a telling constraint. He calls attention to a certain functionality in the framing of the new community culture, including the barrelhouses. This is exemplified by the place of white employers and white public officials in all of this -- a role that amounts to managerial monopoly grounded in

the new conditions of labor but extending to the administration of separation from whites (in this case private segregation), the management of those barrelhouses and of the interactions there whether around the conditions of work or the forbidden pleasures. It is reflected as well in Hurston's concern about the negative impact on the "originality of Negro songs" from a market coming to be driven by the need now to generate "jukebox music."

We see routine white involvement, even management, of intimate details of social life reflecting then the other, contradictory, component here. Further, this is taking place in an environment where those community development efforts were seldom assisted by the white managers and, indeed, "many employers retained the belief that black workers were culturally or biologically incapable of building family and community lives" (Ibid). If Hurston was the thesis, here was the antithesis, suggesting a corresponding volatility to be expected in the black experience and in any credible scholarship making a statement (Ibid, 68).

This two-sided view of sawmill culture gets us to the central point raised in Adolph Reed's final essay here. The temptation to limit our attention to one side of the coin when talking about the status of black people! He draws on the representative writings to expose this as a problem where over attention to race relations results in subordination of attention to real dynamics ("precise mechanisms") in communities causing the distress we lament, including the restraint on initiative intrinsic to the lag narrative.

The problem is that the discourse of racism or racial disparity, as the New Orleans case illustrates, does not help either to identify the precise mechanisms through which even many decidedly racialized inequalities are produced or to guide development of strategies for challenging them. ... racism discourse points in no direction other than calls to combat or compensate for racism or racial disparity. The scope of strategic imagination it allows is limited – and has been since its origination with Booker T. Washington and the emerging stratum of race men and race women in the early twentieth century – to partitioning ruling élites for consideration on behalf of a black population presumed to be civically mute (Reed in Reed and Warren, 290).

Here as in the barrelhouses, and I'd dare say in Chicago, the attention to race is but a small step toward recognition of the social realities faced by the people, a temptation to relax, an occasion to cut the discussion short.

## V.

*Renewing Black Intellectual History* is an informative and aggressive challenge to remodel ascendant ways of discussing race relations over the years in the United States. Typically understood as a passive construct, race is here treated as a more actionable category and the need to advance that transformation is a central, if understated, message. These writings approach this from different angles but harmonize around a black experience intersecting a surrounding set of shifting dynamics. There is an underlying theme notably in the attention to the lag and an epistemology focused on revolving material conditions. They seek to avoid interpretations that see conditions as "foreordained" preferring to investigate the subject so to reveal any "convergence of intentions, mistakes, and limitations – not all avoidable and certainly not all inevitable," and, thus, ripe for careful analysis (Reed and Warren, x).

The essays were selected from writings first completed in 1975, joined with others dated from the early 1990s to 2008. Historian Judith Stein's piece on Booker T Washington was written substantially before other essays assembled in this volume (Stein in Reed and Warren).

The Stein essay and a second writing by Warren, on Du Bois, comment on a pivotal time when racial subordination was formalized (Warren in Reed and Warren). Historian Michele Mitchell writes on Garveyism with particular attention to the theme of race survival (or rejuvenation) including a advocacy to locate the race's survival in the reproduction of children a tension especially sharp in the sexual politics in that era of women's rights advocacy (Mitchell in Reed and Warren).

## VI.

Given the diversity of these writings, questions will likely be mounted from several angles and vary among those in one or another field, and the collaboration among these authors may be energized in future efforts and they may face several challenges.

There is need to worry about the periodization. The essays are arranged around three main historical eras: "Emancipation," "Jim Crow" and "Post Jim Crow." The writings fit well but that experience involves a dynamic sequence of events in the century and a half since the Civil War and the markers of distinct periods can vary among a range of events posing a challenge about what to select for attention. Given the emphasis here on constructions of the population, some possible refinements might be the great identity moment of the 1920s, certifying a "New Negro," or the post-war/mid-century era that left Frazier so angry.

It would be helpful to relate the principles of this analysis to *An American Dilemma* and the mandate given its author to explain (actually define) the fit of blacks in U. S. national identity. The sponsorship was important and the text came to acquire hegemonic status framing cultural location and stabilizing a certain consensus about "race." It cleared grounds for policy innovations, including research and initiatives after WWII. Yet the Myrdal model would be considered inadequate by black critics (Myrdal 1944).

Another pivotal figure is Bayard Rustin and it would be helpful to extend the attention given to him, particularly his theoretical and tactical impact on the movement in the second half of the 1950s, and his attention to regionalism<sup>8</sup> and his way of seeing tactics for racial advancement preexisting in the experiences of white ethnics. His was a proactive effort to structure a new movement, as Montgomery came to conclude, and his sense of the prospects seemed to require a different image of the race(s) thus contextualizing his contentious response to "black power," and "black nationalism," in the mid-1960s.<sup>9</sup>

There is reason to worry that the voices of the authors included here are sometimes reduced, if not captured, in their attention to secondary studies. It is an odd stance for positive thinking inviting a designation as Mr. No, "you say-I say," and such. This is less of a problem in the attention to basic texts (Douglass, Du Bois, Hurston, the material from the Chicago school and such) but there is less payoff in attention to some contemporary writing although this is another issue that is likely to vary by discipline as the humanities scholars foreground written texts and some others look for those ever so elusive policy outcomes and organizing responses. Attention to secondary literature is to be expected -- the majority of writing about race is by white authors -- the selection here is rich and the writing here is dutiful in engaging that scholarship. Still there is some overreliance and that can pull attention away from living conditions, leave some uncertainty about how to evaluate particular dynamics, restrict the reach of our educational work, and leave any message subordinate in attention to a cluster of others.

There remains a challenge to stabilize the complex issue of identity. The writing here shows the danger of relying on such imputed characterizations as the laggard discourse would provide. It is persuasive but hardly closes the question. The issue is complicated by the location



in a settler country where land of origin cannot suffice and, in the case of African descendants, having been forced to locate. Further, none of the major voices contesting American national identity can rely on a claim of a “homeland.”<sup>10</sup> It makes for a peculiar situation, not necessarily resolved in the language of “social construction.” In such a context other measures of difference are selected arbitrarily (phenotypic, linguistic, dietary, etc) and finally something called race is claimed to apply. The handling of this at the turn of the 20<sup>th</sup> century is indicative and received some attention in “whiteness studies” (Robinson in Reed and Warren, 186-187). But the notion was not always a product of the white man as indicated here by Michele Mitchell’s reference to Marcus Garvey’s concern to “set out to create a new race type.”<sup>11</sup>

The stories here occurred during disempowerment relative to policy making, implementation, or enforcement. Just to examine key pivots of the history of racial conditions – from Washington’s statement at Atlanta, to the Till murder, to the March Against Fear – is to see one-race monopoly of civil authority and political power. Subordination to white authority occurred as well in private institutions, as seen in the barrelhouse experience. Thus to look to the issues raised by these authors is to remember that the attention to these defining matters is coming when the race is disfranchised with no influence on community policy either through petition, office holding, or simply voting. This complicates organizing priorities (again, public and private) and serves to rationalize a quiescence easy to read as a cultural trait in a “race” of people, critically wounded by the exceptional experience of slavery.

Because of the publication schedule, there is little attention here to the presidential election of 2008. A central issue in that election was race and the event was routinely said to mark a watershed change as the victor became just the second non-WASP to lead the nation. The editors do comment briefly. Their estimation is tempered by two concerns: first, candidate Barak Obama’s own reliance on the laggard framework and the apparent appeal of that to his constituency, and second, a decline in measures of well being among blacks at the time of the historic election of a minority candidate (Warren and Reed, 264-265). The message here could be ominous. Their brief account does seem to worry that the election was hardly a “change,” rather it would reenact the “candidate centered” politics of earlier years and repeat the parallelism we saw in the “black power” militancy of an earlier time.

“Race relations” is not fixed. It evolves in response to a conditioning environment. Neither has been static as evidenced by the run of defining experiences after slavery, signaled in the “eras” covered by these authors and marked by recurring initiatives to advance the race, nearly all standing in the shadow of retrogression, including a complex legal fight to apply federal constitutional rights, resettlement through out-migration from the Old South, the “United Front,” re-enfranchisement, white flight, urban renewal, gentrification, predatory lending. Discrimination may be driven or enhanced by stereotypes adjusted to fit the conditions of everyday life.

Such a circumstance sets a challenge for future scholarship and the educational work it would enable. There will be a need to slow celebration of hallowed racial protest tactics for more careful attention to the administration of community life facing a consolidating globalism pushing to replace national governmental institutions (the old source of redress) with cross-national partnerships and an ideology deemed “post-racial” still focused on race now often conceived as political theater. Our work should (to draw on the words of these editors) “come to terms with the changing terrain ... in the wake of major civil rights court decisions and legislative acts” (Warren and Reed, xi). The charge to the academics then is to catch up to the action.



## Notes

1. Editors comment on p. x, the quips are quoted from works by David Harvey (p. 219) and bell hooks (p. 221) in Dubey, "The Postmodern Moment in Black Literary and Cultural Studies."
2. A. Reed engages the issue at various points in his essay, see pp. 280-284 in Adolph L. Reed Jr, "The 'Color Line' Then and Now: *The Souls of Black Folk* and the Changing Context of Black American Politics," in *Renewing Black intellectual history: the ideological and material foundations of African American thought*, ed. Adolph L. Reed and Kenneth W. Warren (Boulder: Paradigm Publishers, 2010).
3. Frazier was actively involved, but his concerns follow more the Talented Tenth line and in the end Frazier's disappointment led to a stirring criticism of the upper status, assimilated, self centered, "black bourgeoisie" -- possessing all of the talent and skills of an emancipated people but devoid of agenda, and unresponsive to the call of leadership. Indeed his "Black Bourgeoisie" may mark a moment of correction in thinking about the responsibility of leadership, and of political engagement, that would influence the soon developing protest movement, especially its younger, largely campus, sector. Cf. comment in Reed Jr. and Warren, eds., *Renewing Black intellectual history: the ideological and material foundations of African American thought*, p. 299, note #76.
4. See Paula Giddings, *Ida: a sword among lions: Ida B. Wells and the campaign against lynching*, 1st ed. (New York, N.Y.: Amistad, 2008).
5. The temptation retains appeal as is reflected in the assessment of one voice in a popular tract closely associated with the thinking of the "public intellectual" appearing in the closing years of the 1900s and participant in the intensified attention to race at the start of the new century.

*One reason quality leadership is on the wane in black America is the gross deterioration of personal, familial, and communal relations among African Americans. These relations – though always fragile and difficult to sustain – constitute a crucial basis for the development of a collective and critical consciousness and a moral commitment to courageous engagement with causes beyond that of one's self and family. Presently, black communities are in shambles, black families are in decline, and black men and women are in conflict (and sometimes combat). In this way, the new class divisions produced by black inclusion (and exclusion) from the economic boom and consumerism of hedonism promoted by mass culture have resulted in new kinds of personal turmoil and existential meaninglessness in black America. There are few, if any, communal resources to help black people cope with this situation.* From Cornel West, *Race matters* (Boston: Beacon Press, 2001), pp. 55-56. Cf. Cornel West, *Race matters* (Boston: Beacon Press, 1993), pp. 36-37. Cf. references to West and other writers in essays here by Dubey and A. Reed.

6. Black racial initiatives and repression would exist in the old South and was often grounds for outmigration. For a defining example, see the Phillips County Arkansas, story: Richard C. Cortner and People National Association for the Advancement of Colored, *A Mob Intent on Death: The Naacp and the Arkansas Riot Cases*, 1st ed. (Middletown: Wesleyan University Press, 1988); Grif Stockley, *Blood in Their Eyes: The Elaine Race Massacres of 1919* (Fayetteville: University of Arkansas Press, 2001); Robert Whitaker, *On the Laps of Gods: The Red Summer of 1919 and the Struggle for Justice That Remade a Nation*, 1st ed. (New York: Crown Publishers, 2008).
7. And to the West in later years.
8. Especially his tactical sense of the priority to be given to removing segregation.
9. Robinson does discuss Rustin's role as a critic in the tangle over Black Power and comparison to the white ethnics. Robinson, "Black Power Nationalism and Ethnic Pluralism: Postwar Liberalism's Ethnic Paradigm in Black Radicalism."
10. Including Native Americans as reflected in a special training program at Hampton Institute. See Hoda M. Zaki, *Civil rights and politics at Hampton Institute: the legacy of Alonzo G. Moron* (Urbana: University of Illinois Press, 2007), See chapter 1, pp. 12-14 and notes 25 and 26 pp. 133-34.
11. See discussion in Smith, "The Chicago School of Human Ecology and the Ideology of Black Civic Elites," p.133.. Garvey's statement is in Marcus Garvey and Amy Jacques Garvey, *The philosophy and opinions of Marcus Garvey, or, Africa for the Africans*, Centennial ed. (Dover, Mass., U.S.A.: Majority Press, 1986), Volume I, Chapter I, p. 37.

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**Trends: Black Politics in and  
Beyond the Discipline or  
The Ethical Imperatives of  
Black Politics**

## **“We Want Humanity to Advance Further”: An Interview with Dr. Anwah Nagia, Al Kaaf Human Rights Centre and Palestine, Cape Town, South Africa<sup>1</sup>**

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Interviewed by: Jeanne Scheper and Tiffany Willoughby-Herard  
Cape Town, South Africa  
December 20, 2017 and June 7, 2018

*During our interviews, founder, Dr. Anwah Nagia explained that he intended to create a museum that would initiate and advance a deepened international conversation about human rights. This museum is meant to reflect and hail civilization in what is perhaps a last ditch effort to save us from our baser instincts and our almost knee jerk investments in hierarchy, violence, and institutionalized disregard. It is no wonder that three of the Abrahamic faiths will be celebrated with stand-alone worship spaces inside the building and that two-story paintings will grace the first and second floor. By returning us to some dimensions of the sacred and the ethical, the Al Kaaf Human Rights Centre and Palestine Museum is re-membering a new and yet incredibly ancient way of being.*

[Nagia begins our conversation outside the nine-story building on Gore Street that will house the visionary Human Rights Centre with parables of the marketplace.]

Nagia: The owner of McDonald's, he asked the question: What do I sell We don't sell. If we can't make a burger we shouldn't be in business... What we sell is real estate. We sell you the best corner in the world so you can make a business. We are in the real estate business. They do satellite density.

You also know Nordstrom in America. A guy came into Nordstrom. He said: "These bloody tires you sold me are rubbish...absolute crap you sold me." Within five minutes the lady behind the counter gave him a refund. Of course, Nordstrom doesn't sell tires. Why did Nordstrom refund him? The lady at Nordstrom was so empowered by the mission and vision statement that informs customer experience. She knew the value. What she did is she picked up the phone and called the son. She said, "Your dad has been here to change the tires. He's lost his mind." She knew him. She looked at the preamble of the organization, and said let's do this.

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The Same with Amtrak. Amtrak was building these beautiful experience coaches. You get into an Amtrak coach and there's wifi and there's coffee that comes out. The desk is there and you can move it. The Amtrak was losing market share to alternatives: Greyhound, etc. They wondered: What are we doing wrong? We've built the best train. We give you the best experience. Our price points are right. What is it that we're doing wrong?" They went to look at their preamble. Their mission statement says "Amtrak will take you from the darkest point of America to the lightest point of America. That's our business model. Stop building beautiful trains with soft seats and three buttons and Winchester chairs." So people in Greyhound could get to parts of Minnesota and could get to the outback and could get to the Grand Canyon. But, Amtrak couldn't get to there because they were forgetting what their actual mission and vision is.

I took the same lesson. We are saying that we will hold ourselves accountable to any oppressed communities that find themselves in any geographic location that have been violated—their rights violated by the dominant forces in society: whether it is the state; whether it is the Saudis dominating minorities. All of these injustices: it is something that we can't keep quiet about anymore. It's like the neighbor bashing the wife until he kills her and we said, "It's none of our business." I think that's bullshit. You must go and speak to your neighbor and phone the damn cops. And we often say "Women are abused in this country and all over the world." People say, everybody says: "Look, it's not my damn business, but it is your damn business." Violation takes place: of kids, and human violations. In South Africa we spend a lot of money saving the white rhino. But we didn't spend money saving the preservation of buildings.

The whole notion of Bo Kaap [historic area of Cape Town] that you just saw is gentrified, gentrified to an extent where the indigenous population, not race, but the indigenous population—the fabric and vibe of that city—is lost because of the gentrification.

TWH: I was here first in 1999. But during this 2018 visit, driving down Main Road, I had to drive all the way between Rondebosch and Town because I couldn't recognize anything. I couldn't find anything. It really has changed.

Nagia: It's not a bad dichotomy between old and new. We must understand there is economic tourism and there is also what we call heritage tourism. People like to see that mountain [Table Mountain] unspoiled. People don't like to see buildings going up there or even lights going up there that will affect the fauna or flora or animal life. We can't just be a selfish society that there future is going to be relegated to an encyclopedia.

TWH: We just did the double story Red Bus Tour and the history is wretched. It is a type of McDonaldized version of Cape history.

Nagia: Listen, the people giving the tour are buffoons. They have no sense of history because it is a commercialized, its consumerized. It's absolute rubbish. These tours frighten me. I sometimes go incognito when the guys do the District Six Tour [Cape Town Neighborhood subject to race-based forceable removal to comply with the infamous 1950 Group Areas Act of the apartheid government which required people to live in racially segregated neighborhoods—residents were evicted as were members of communities all over the country; painfully echoing the original sin of colonialism and its many horrid acts of dispossession] and I just stand there

and I am appalled. It's nonsense. [In February 1966 District Six was declared a white-only area.]

This building was built to respond to that. The preamble holds us accountable and will hold me accountable if I lose my way. The only thing I can hang on is: What was the purpose? What is the end game? I work toward that. What will be the idealistic things that we hang on to? We aim for the sky and its fine if we fall to the treetops. It's ok. You work back until you are content. This is what the Center hopes to do. We design the building in a chronology, every floor, that responds to people wanting to be here and so that people will take away a life message. We hope that the chronology will speak to that. I suppose the whole notion of the word Holocaust is almost synonymous with the horrors that befell the Jewish People. [But that word must also remind us of] the Gypsies, also the Gays and Lesbians, their stories still are not told. [Of Africa itself.] The word holocaust [in this sense has kind of been] hijacked. The Holocaust signals so many forms of oppression and systems of violence [and they all must be remembered.]

TWH: I saw a headline this week talking about gentrification being a type of genocide because you displace communities and don't account for where the people are going. We don't ask: Where are the people going? Where do the people go?

Nagia: Europe went through the same thing. I gave a series of talks in 1998 in Stockholm, in Birmingham, London, Manchester, Rotterdam, in Denmark. I was very fortunate to be sponsored by Pieter Heyn. Don't worry, I gave my daily stipends back that I didn't use, I gave back. Buildings respond; the built environment does respond to how people respond to it. You've got these casual clothes on, you can move with ease. The same way people respond [to clothing] is true with the built environment. People respond to the built environment if it has... What is the lingua franca of the built environment today?

TWH: It's credit cards and uber.

Nagia: Today it's not fish and chips in London. We must design the spaces, the churches, public spaces, the nodes of interaction with human beings must shape the global spaces. We have over five million foreign nationals here [in South Africa], not out of choice. Who would want to leave your country out of choice? Who would want to leave their city, farm, village? This is madness for us to even suggest that people are coming just to uproot themselves. [People flee and are pushed out of their communities and arrive in places also reeling from systems of oppression that are pushing people out]. These [phenomenon] cause generational [traumas, that change how people understand themselves across eras].

TWH: The stereotype is that they are coming to "raid" or "ruin."

Nagia: That kind of xenophobic response has been very sad in the country. Part of what we do in the Center is to give an unofficial voice [to the refugee, the asylum seeker]. But more importantly, if [members of] displaced communities come here, they feel affirmed, even in a small way. That they are affirmed in that there is faith in humanity. Some people have considered their plight, their story, or their narrative. It's not just about running away from the "internecine violence in Africa." It's a whole lot of other things. It's survival. Women are still marginalized in Africa like any parts of the world.



TWH: We had terrible interactions with VFS Global (government subcontractor for immigration policy and securing documents for visiting persons in the country) that processes visa applications, student visas, etc. We saw so many people being just humiliated in the offices. The process is a form of punishment and state sanctioned humiliation. A person who may not feel themselves to be a foreigner, will come to know that to be a foreigner means they are unwelcome, unwanted, even hated—after that experience.

Nagia: [The Center] is called Al Kaaf Human Rights Centre. Kaaf is an acronym. Al means “The,” K for “Kamil, my son, which means complete and perfect,” A for Amal, my daughter, which means hopes,” and means life, F for Fadila for my wife.

With Al Kaaf, we’ve published about seventeen books, we’ve published quite aggressively. We do bursary programs. We do educational programs. We do things that help advance the human rights discourse for a while in our family. I chair one of the largest South African NGOs called Mustad De Fin, means “oppressed and destitute.” We feed about 3.7 million children per year.

TWH: Your work is like that described in *Wretched of the Earth*.

Nagia: Ahh, Frantz Fanon. Are you a Fanon person? That’s great.

We have a lot of work that we do that compliments and obviously adds to the already good work done by other people around the world. The Center is the first repository where we want to respond. You got to a public meeting, you go to a rally, you pick up a pamphlet, and then you lay it down at home, and it’s done. Our oppression is by calculation as the oppressed people in the world. It’s not just all conspiratorial. It’s not just all capitalism. But there are members of the global society who feed on the contradictions between capital and labor all the time. We have to have a working-class, so that you can have a super rich. We’ve just discovered in South Africa three billionaires own the entire seventy percent of poor wealth. In America eighty business people, eighty families own 329 million dollars worth of wealth in America.

TWH: Who are these people? Are they debt farmers? Debt financiers? What kind of wealth is it? Is it land wealth, is it debt, is it finance, is it insurance?

Nagia: It’s everything and every sector of society. They own, if you want to put it in class terms, the means of production and in a serious way.

When you walk into this place on the first floor, you walk into a period depicting 6,000 years ago. This 6,000 years speaks to the geography in the Pan-Arabian Peninsula, then 800 years ago came the Ottoman Period when there was no nation state specifically or no borders. Colonization started drawing borders and started drawing nation-states and of course different ethnicities existed between. Those people existed unabated literally for centuries. Part of colonization, in fact, started drawing boundaries and borders.

TWH: What’s your account of slavery?

Nagia: We have a whole section in this place that is going to talk about the enslavement of African people. One of the floor is an exhibition hall which will reflect on this history. We had a race conference here in South Africa and 80,000 people were here, the World Conference Against Racism, and the U.S. refused to apologize for slavery. The ground floor speaks to those periods. But it also speaks to the Palestinian narrative 6,000 years ago. [The first floor tiling will represent each of the 6,000 villages destroyed.] We have the celebration of Christianity on this wall. We've commissioned top international artists who have painted fourteen Stations of the Cross in Christianity. In each station, eg. Jesus Falls, eg. Jesus Made to Carry His Cross, eg. Jesus Face is Wiped, eg. Jesus Falls for the Second Time. We are celebrating Christianity and celebrating one of the last Christian sects on Earth, the Samaritans. The word "Good Samaritan" comes from the last Christian sect. We are celebrating their lives. Their churches and burial sites are being de-consecrated. The Israeli government has obliterated all memory of them. The same with the Church of Nazareth. So it's not a religious war, it's a war of occupation, and a war of oppression.

TWH: And a history erasing war.

Nagia: We cut this floor open [to accommodate] eight meter panels from floor to ceiling. We flew [the artists] in. They painted here. We flew them to Jerusalem. One of them was kicked out because she couldn't hold her own during the interrogation. They interrogated her so badly. She was booted out and expelled for five years and sent to Jordan. We had to make a plan to assist her. It was quite traumatic for her. In a way it's good for the artist and speaks to her work. So she came back with her painting. She painted with her hand actually until it was bleeding. She did a whole 8-meter painting with her raw hands.

So you come and have this quiet experience of the 6,000 years.

[We went up to the first floor.]

So you saw the 6,000 years. You saw the quiet. We are not depicting romanticism. People existed. There were contradictions. Christians, believers, non-believers, pagans, what have you. But it wasn't as intense as what we're seeing today. For the first time in human history 67 to 75 million people are refugees.

TWH: I've heard that researchers estimate that it takes 26 years before people being made into refugees are settled, fully. 26 years is a lifetime.

Nagia: If you grow up in a camp, it's insane. It's madness how the human interaction and human values can be tipped. I can't believe that America with almost its fantastic history in the last fifteen years besides Bush and even Obama who is a killer now with drones.

TWH: They are all killers. The presidency is not an innocent seat of power.

Nagia: I pinch myself everyday with what is happening.

TWH: It is an incredible backlash now because of how much change is actually happening.

Nagia: Exactly, the reversals are maddening.

The Centre is to respond to all those injustices. This floor speaks to all those contemporary issues. You come here and you engage. In that little corner is a church. That little corner is a synagogue. In that little corner is a mosque. We've contributed to the Abrahamic faiths.

JS: So they'll be working [religious/spiritual] spaces?

Nagia: Yes, working spaces. Yes, you can say a quiet prayer. There's an 18-seater chapel. There's a 12-seater synagogue representing the twelve Jewish tribes. From any Jewish persuasion there will be spaces. We connected these two floors is to show you the art. The paintings reach up two floors.

(We review photographs of the paintings. We listen to a recorded interview of one of the artists, Maria Chambers, the British artist. Chambers explains her painting in the recorded interview: "I wanted to convey a message of strength and everybody has their Cross and it is the way you bear it and look to the future. I wanted to have a message of hope and remind people that nothing stays the same. I wanted to show the beauty of springtime in Palestine, the strength of the people. The strength of the Palestinians as represented in this Christ figure. You'll notice he doesn't have hands or feet. I wanted to show the stones representing the strength of Palestine and the oppression of the wall. I didn't want to create an image that we see so often in the media. The images of Gaza... I considered all sorts of different approaches.")

TWH: She's referencing the very traumatizing images of Gaza.

Nagia: Then we have this image done by Ricardo, an Italian artist, very controversial piece of work, has Christ standing on a latrine and pissing onto the face of the oppressor.

JS: Reminds me of the Andres Serrano controversy over his artwork, "Piss Christ" (1987).

Nagia: The idea is that when we hang these paintings: these artists are top class artists. Of Sarah's work, the paintings go in excess of \$100,000.

TWH: So how is this funded?

Nagia: Funded all by me.

TWH: What is your business, did you sell buttons?

Nagia: I worked in a clothing factory for many years as a storeman. I couldn't get work because I was quite involved politically. I decided one day to do my own thing and I opened an asset management company. I followed Warren Buffett and his Merrill Lynch Company. I did the Benjamin Grayer kind of thing. It's been ok. All the funds we have as a family we pump them back into these things.

TWH: You'll have to put something in the museum that explains what it means to be an ethical human.

Nagia: There's so many people doing much more than what we're doing. (We review other paintings.

[We review other paintings.]

JS: This will feel like a cathedral. This is precisely a public space that shifts and shapes people.

Nagia: If people reject this because it is called the Palestine Museum and say "No, it's a bunch of Muslims," [we have insisted that they consider Palestine beyond the context of an anti-Arab and Islamophobic twentieth century]. We are shutting up everybody. I didn't put a little bit of Christianity, I put a whole bloody wall and 8-meter high paintings [to represent the centrality of this place to all of human history; Palestine cannot be a place of reverence while torturing and dehumanizing the Palestinian people]. Even the Muslims are going mad and the Christians are going mad. We had the Bishop of Norway here and she was gobsmailed. We aren't trying to be in any way prescriptive. You can come [to the Centre] whether you're a believer [or] an atheist. Your sexual orientation is welcome. You can be anything and this is your space. We are not discriminating against any person.

[We carry on up to the next floor.]

This is a lecture theater. You've had your six thousand years and now you have the contemporary.

You see this burnt wall—the Palestine Wall, the Berlin Wall, and now Mr. Trump's new wall—is a reminder of the losses we experienced on the journey to getting the building constructed. Remember the building was burnt in the process. We left it open. (In the many years of waiting to secure local municipality approval the building has been damaged, one time quite significantly).

In this theater you have lecture spaces and chairs and you can screen 8 and 9 mm documentaries. On this floor we can understand the two contradictions [through the construction of the space].. This view [out of the windows] shows the hope that we inspire for people. That's the Table Mountain, a World Heritage site. (Turning toward the other side of the building you gaze out of the massive glass windows that go around the building and view the Cape Castle). That's the oldest colonized building in South Africa. The issues around the old colonization a constant reminder.

TWH: And the militarism [that sustains it]. From one side of the room to the other.

You have to have some kind of program that is really interactive for kids.

Nagia: [Describing the business design and how the top floors are designed.] This is the fifth floor that will include seminar rooms, a library that will be the only library that will be public and private and where students can complete a Master's and Doctorate.

[Update: The late Judge Essa Moosa's personal library and historical legal documents used in the apartheid treason trials were donated in February 2018 by the Moosa family and will be part of a vast collection dedicated to research in the field of human rights at the Centre.]

The sixth floor is the Human Rights Center. A big board room and offices and wired up. Specifically this is a space to create a base for human rights activists for people in Cape Town for the day. Any activist that can recommend and spend the day. We will give you a computer and printer. Need to meet people? Need to host academic meetings for ten or twenty people? It's free of charge for activists. We are not soliciting anything or seeking obligations. We could use people buying a chair or making a donation but this is the only Human Rights Centre that exists in the world in a definitive way. When you are in Cape Town activists have a space to use free of charge.

We will also have a doctor's clinic full of medical doctors who will provide free medical care. We will have a law clinic.

[Nagia ended our interview and tour at the roof of the center where he envisions a residential guesthouse, art gallery, and peace garden accommodations for researchers and visiting human rights activists. The sky is the limit.]

[Six months later, on a second visit to the Center, we wanted to ask Dr. Nagia to share the connections between this project and his work with the District Six Museum and to understand the links between these two projects.]

JS: Dr. Nagia, tell us a little bit about where you are from, and also how this connects to where this brought the project?

Nagia: Thank you. I was born in this very location. The area where we have built this Palestine Museum and Human Rights Centre is, called District Six. District Six has been a bone of contention in our country where 66,000 families were forcibly removed, including our families, were kicked out on the basis of the South African National Party's social engineering to take people of color out of the city.

So, I was very fortunate to be educated in District Six at the high school here, called Trafalgar High School, which was a very, very famous school for political activists. And I was a student leader in 1976 with the student uprising in this country. I was very fortunate to be taught and pupiled by those teachers that were banned, those teachers that were arrested. And so I cut my teeth as a student activist in this very area. So, very pleasingly, 40 years later, my family and I could manage to build this human rights centre, based on all of those contradictions in society which we hope to change and to stem a new tide against all those inequalities we suffered as a people, and as a person, and as a family. So, we are very proud of the fact that the first human rights centre for South Africa is built in Cape Town District Six and it's the area in which I grew up. And very sadly, we can see our home still standing there occupied by the people. But very fortunately, I have also made a campaign, called the Hands Off District Six Campaign and the Campaign for the District Six Return. And together, with many people, we built the first homes

and we are bringing back over 5,000 families to District Six. So, it's very pleasing in the post-apartheid era that we could do this. Although our democracy is 24 years, some 20-24 years old, we are now seeing tangible change and vindicating the fact that people might have suffered the inequities of forced removals and the apartheid system. The new dispensation in our country, in fact, is giving that hope to us.

Yes, I was born and bred here; grew up here, got my honorary doctorate from the university as well, called Cape University of Technology—a doctorate, which I didn't want to accept, but my peers begged me to accept it—for my contribution to technology and my contribution towards the built environment and change.

I am presently working as a self-employed person, run[ning] a large asset management company. We invest on the stock market client's money. And then, of course, I am quite aggressive in human rights issues and injustices. The Foundation and, of course, the human rights center called the El Kaaf Human Rights Center, which hopes to change the present contradictions in society and that's what we do.

JS: Can you say a little bit about your involvement in the District Six Museum and its' founding?

Nagia: So, in 1980-81-82, political organizations were banned in South Africa. And to give political expression, we had to form civic movements, and the civic movements [were the] organization[al spaces of] District Six, the sporting movements, and church movements. And under the guise of the church and the civic movements, we formed the Hands off District Six campaign, already in the early 80s. By 1989, you know, things got to a point where we actually took to the streets more aggressively, despite the fact that some of us were banned, and public gatherings were banned. And then we formed the first District Six Museum as a resistance against the apartheid tyranny. And, ever since that time, I carried on the campaign. And then formed the District Six Trust, and then formed the District Six Museum, of which I was a founding member. And today it is a leading institution in this country. We have had over a million visitors. We have extended programs throughout the world. We have an Outreach Program. We have diversities with all different communities shapes and sizes. And we do this, not only to make District Six an isolated case, but we do it framed in a way that [links it to] other communities—like Cato Manor in Durban, South End in Port Elizabeth, Tsitsikamma, Marabastad, Soweto—all those communities can have the same change that we are undergoing. There is something called The Land Restitution Act, which gives expression to people's forced removals, where they can lodge claims. And we've been assisting. And Hands Off District Six and myself have been literally the pioneers in this country on alleviating the question of the Land dispossession of people.

JS: Thank you.

### Notes

1. Dr. Anwah Nagia (Nagia, in text); Jeanne Scheper (JS, in text) Tiffany Willoughby-Herard (WH, in text)



## Between the Discipline and Me: From Political Theory to Black Studies and Back Again

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Since I began to cultivate my research within and alongside Black studies,<sup>1</sup> one criticism made by an established scholar at a research one university of interdisciplinary fields like Black studies has stuck with me. This scholar, a senior faculty member in the department of political science where I was getting my degree, said that he does not understand why scholars who do not identify with the mainstream of their respective “disciplines” (e.g. history, political science, sociology, religious studies, etc.) would “ghettoize” their research by finding an academic “home” within a department such as Black studies.<sup>2</sup> When I first heard this diagnosis of Black studies during the very early stages of my graduate education, my response was one of aversion. In a conversation, my fellow graduate students attempted to explain what he “meant” despite, and perhaps in spite, of his chosen language. One interpretation went something like this: “he is not dismissing the individual scholars themselves, but only saying that being a professor in such a marginalized discipline further marginalizes his or her work.” Another suggested an interpretation along the lines of John Stuart Mill, “self-segregating into a space where your colleagues think exactly like you does not lend to rigorous scholarship.” Common to both these interpretations is an adherence to a Cartesian separation of the mind from the body; however, being acutely aware of the lack of Black faculty within the department, I did not find these initial interpretations empirically or even theoretically compelling.

Not being satisfied with the thoughts presented by my peers, some of which took courses with the author of the utterance, I myself attempted to explore his “meaning.” Falling back on the methods that I had been trained to use as a political theorist, I framed my response on the grounds of semantics. I found myself saying “if that was really his meaning than he should have used the word ‘provincialize’ rather than the racially loaded term ‘ghettoize.’” Unfortunately, this reformulation did not assuage my initial reaction, rather it only further entrenched the deeper assumptions made by the professor and entrenched within the cannon of political philosophy, which was his field of expertise and the field in which I was being trained. Was my response, which aimed to shift the terminology of the criticism from a racialized term (i.e., “ghetto”) to a classed term (i.e., “provincial”), a result of an internalization of a colorblind epistemology that I perceived as legitimate? Was it reflective of an internalized classism stemming from my status as a first-generation undergraduate turned graduate student trying to distance herself from the “ignorance” I experienced growing up in Appalachia, regarding both race and gender, coupled with the comfort I had cultivated in the “progressive” assumptions I had vis-à-vis the academy? If it was, would a footing in Black studies help me not fall into the double trap I had in front of me? Concerned about my own trajectory in the discipline of political science, I decided that the professor’s lack of understanding about the field of Black Studies would not become my lack of consciousness around the language politics I saw operating in the exchange I had with my peers.

From that point on I decided to deepen my understanding of the field this professor clearly aimed to dismiss. The journey was long. It began by first convincing my mentor to teach one last graduate seminar in political science on Black radical thought after his recent

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retirement.<sup>3</sup> The very next semester the Black studies department began offering a graduate proseminar with the long-term aim of establishing an interdisciplinary graduate certificate in the field.<sup>4</sup> I was amongst the approximately dozen and a half graduate students who enrolled in its very first offering. From that point on, I dedicated a large part of my years in graduate school in aiding the department of Black studies in two ways: (1) with the development of their graduate certification in Black studies; and (2) in ensuring that the department of political science ratify it so that I and future graduate students could achieve an interdisciplinary certification in Black studies. In so doing, I wanted to learn how to mount a response to such criticisms that did not result in a mere reaction - “that is such a racist comment!” - or replicating, but with assumed “neutral” language, similar essentialist claims. Between serving as a grader/reader for undergraduate courses in Black studies, fulfilling the graduate certificate requirements, and convincing the department of political science to ratify it before filing my dissertation, I return to that early interaction with my peers in political theory to provide an assessment of how the skills I gained from Black studies apply to and possibly translate the discipline of political science, which seems to be in a current but longstanding state of epistemological crisis.<sup>5</sup>

In this essay, I return to a variety of texts I encountered in “Black Epistemologies,” one of the courses that made up the core curriculum of the certificate.<sup>6</sup> By reconsidering C.L.R. James writing about Toussaint and Haiti, Tricia Rose writing about hip hop artists and the neoliberal city, Barbara Ransby writing about Ella Baker’s democratic and egalitarian mass politics, Angela Davis writing about the imagined antecedents of abolition democracy in W.E.B. Du Bois, Roderick Ferguson writing about Black queer experience against the canon of sociology, and Yvonne Chireau writing about Black religious medicinal practices in the eighteenth century as key features of what I am calling a Black epistemology, I enunciate the encounter with self as being an encounter with the other. Before doing so, I turn to James Baldwin to give a short explanation of Black epistemology and what I see as its three main components: archive(s), imaginary, and ontology. At the end of this essay I will offer a different set of questions from which political science generally, and political theorists more specifically, can use to expose the kind of racial implications laden in language used by those of political authority – whether that be in the government or in the academy - while at the same time rendering that language less central or even unimportant to the needs of not only our current political moments but also of the movements that they have inspired.

### **What is Black epistemology?**

Attentive to a variety of critical junctures in history, Black epistemology provides a vocabulary necessary for developing responsible, generative, and compelling research that attends to the processes of domination and marginalization. It aims at exposing the reduction of the complexity inherent in lived experiences and human behavior to essential categories. Such a reduction became the strategy for rendering invisible the contradictions inherent in the co-constitutive political projects of colonialism and capitalism, both of which found defenders in Western epistemology.<sup>7</sup>

Black epistemology, with a focus on the theoretical potential of difference as a bridge between the universal and the particular, suggests that reduction does not have to be the only outcome for human history. Take, for example, James Baldwin’s explanation of the encounter between oneself and the other in *The Devil Finds Work*:

To encounter oneself is to encounter the other: and this is love. If I know that my soul trembles, I know that yours does, too: and, if I can respect this, both of us can live. Neither of us, truly, can live without the other: a statement which would not sound so banal if one were not endlessly compelled to repeat it, and, further, to believe it, and act on that belief. My friend was quite right when he said, “So, we must be careful--lest we lose our faith--and become possessed.” (2011, 125)

Considering this quote in relationship to the event recounted above, I see three different points emerging. First, my initial response was one of banality, and as such, perpetuated as opposed to alleviated the dismissal of the other that I saw in the essentialist claim made by the professor. Second, I became “possessed” by the semantics in a way that made me forgo the work necessary for understanding the very power in the discourse used. Third, by remembering my own positionality as a white woman who grew up poor, rural, and without any understanding of what “the academy” meant, Baldwin reminds me that being careful with others is a way to take care with my own development – intellectual or otherwise. Reading Baldwin here as an exemplar of Black epistemology, this quote shows it to be extraordinarily capacious – far more so than conventional political theory. If true, it is both a formidable critique of the limits of conventional political theory (i.e., Western epistemology) and an invitation to political theory to learn from Black studies (i.e., Black epistemology).

Before turning to the literature of Black studies explored in this essay, it may be necessary to preliminarily map out the differences between Western and Black epistemology across three components: archive(s), imaginary, ontology.

	<b>Western epistemology</b>	<b>Black epistemology</b>
<b>Archive(s)</b>	The mechanical artifact of society; Universal (e.g., Declaration of Human Rights 1789).	The site where society and agency interact; Fixed and Finite; Pluriversal (Dussel 2013)
<b>Imaginary</b>	Background Consensus: “The massive background of an intersubjectively shared lifeworld” (Habermas 1996, 322).	Incomplete: Open, but socially constructed and socially specific; “Structured blindness” (Mills 1997)
<b>Ontology</b>	The “ways of being” or systematic accounts of existence (i.e., what constitutes “human”) that give a sense of how the world is (because it should be) organized.	Archeological recovery of that which was determined to be non-historical; the Black radical tradition (Robinson 2000)

Access to history, for a researcher, tends to be contingent upon the archive, or archives, available. An archive, or the text under analysis, is the site where society and agency interact. The Black epistemological tradition reminds us that all archives and texts are privileged sites. That is, they are never pure, always constructed, and certain narratives are left out, much of the time intentionally. Put simply, the archive is fixed and finite. The imaginary is important for mobilizing the attentive engagement with history for the development of generative research. For any research agenda, the imaginary that informs and pushes it provides the realm of possibility, and impossibility, for its trajectory. Black epistemology insists that even though

the imaginary, unlike the archive, is open, it is still socially constructed, socially specific and therefore incomplete. This means that a limited imaginary or even a lack of “horizon” altogether can lead to research and theory that reaffirms the status quo. Lastly, ontology is the study of being. It seeks to understand the “way(s) of being” but also focuses its intellectual lens on gaining insight into how the world is organized. Much of the time, ontological analysis lends to privileging the “universal” aspects of such questions at the expense of the “particular.” Since the Black epistemological tradition reminds us that the dichotomy between universality and particularity operates in relational terms (both/and) rather than as an exclusive binary (either/or), careful research requires attention to how one universalizes “ways of being.” Put differently, to understand a “way of being,” a researcher is required to grapple with both the universal (i.e., being) and the particular (i.e., way).

### **Reconsidering the Literature of Black Studies for Political Science**

Having an intimate understanding of the restrictedness of the archive, C.L.R. James in *Black Jacobins* provides an account of the Haitian revolution that, according to historians of the Western Enlightenment tradition, was an impossible and unforeseeable outcome. Taking on the limited archive of the revolution, most of which up to that point highlighted only the leadership of one man, James offers more than a mere alternative biography of Toussaint L’Ouverture. In the preface to the book James writes, “Beauchamp in the *Biographie Universelle* calls Toussaint L’Ouverture one of the most remarkable men of a period rich in remarkable men. He dominated from his entry until circumstances removed him from the scene. The history of the San Domingo revolution will therefore largely be a record of his achievements and his political personality” (1989, x). James, by taking the event of the revolution seriously, is offering a genealogy of one of the most popular slave revolts in history, and, in doing so, he also provides an alternative understanding of democracy.<sup>8</sup> By disrupting the narrative that Haiti is an historical “outlier,” James can answer the fundamental question that the Western epistemological tradition took for granted: why were Black slaves able to work together? It was the absent presence haunting the archive (i.e. the agency of the Black slaves) that spurred James to ask the hard questions. What I have found important to remember, particularly considering James’s work, is that these questions are hard not merely because they are difficult, but because they are concrete. By concrete, I mean that such questions have definite significance for the everyday lives of a massive number of people whose needs, desires, and search for autonomy are continuously maligned, misrepresented, and rendered illegitimate. Put differently, in asking questions that complicate the Western epistemological tendency to segregate (i.e., either/or), the researcher is compelled to do more than simply produce knowledge for the consumption of the academe. They become invested in scholarship that is in and of itself insurgent.<sup>9</sup>

By highlighting the question “what counts as an archive?”, the Black epistemological tradition takes to task the “normal” understanding assumed by many scholars. In a chapter entitled “‘All Aboard the Night Train’: Flow, Layering, and Rupture in Postindustrial New York” of her book *Black Noise*, Tricia Rose argues that Hip-Hop cultural laborers (graffiti artists, break-dancers, and rappers) engage with and create different kinds of archives than the ones found in libraries, basements/attics, or even institutional records. According to Rose, “Graffiti murals, breakdancing moves, and rap lyrics often appropriated and sometimes critiqued verbal and visual elements and physical movements from popular commercial culture, especially television, comic books, and karate movies” (1994, 40). The practices of sampling for these various cultural laborers results in what can be considered as a living archive. Put differently, they carry with them advanced consumer knowledge that simultaneously pays homage to and

disrupts those that came before. As a living archive, Rose notes that the contradictions found in hip-hop (e.g. claims for politics of liberation accompanied by sexist language) are “*central* to hip hop and to popular cultural articulations in general. ... In other words, cultural forms contain cultural ideas and ways of thinking that are already part of social life” (24). The tensions found in larger society are reflected in any archive, whether contained in a living person or on a shelf in a library. The Black epistemological tradition reminds us that “it is the contradictory nature ... that must be confronted, theorized, and understood, instead of erasing or rigidly rejecting those practices that ruin our quest for untainted politically progressive cultural expressions” (ibid.).

Ella Baker’s life is an exemplar of this warning. As an “outsider within,” according to Barbara Ransby, Ella Baker’s work within and alongside the Civil Rights Movement pushed an alternative imaginary of both democracy and leadership. “Baker was an outsider, in part, because of circumstance and in part because of her own political choice and agency. She knew that sexist traditions limited her ability to function as a top leader. However, her own political views, as they evolved, brought her to the conclusion that she did not want to function in that capacity, as it was construed, and she was critical of those who did” (2003, 371). What Ransby shows of Baker’s foresight is that those who have been socially peripheral, as African Americans were during Jim and Jane Crow, are not only symbolically central to the structure of a movement, they are also seen as key players for the larger system to claim for their own purposes. Put simply, hierarchical leadership can be simultaneously productive for creating a mass movement, but might later become a liability for the continuation of that same movement. Therefore, she envisioned leadership not as a static position (i.e. as a form of representation), but as a long-term process aimed at the de-stabilization of the status quo. Put simply, she had an alternative imaginary of leadership and that alternative continues to inform generative research on various topics.

In the collection of interviews entitled *Abolition Democracy*, Angela Davis taps into the alternative imaginary of democracy as found in W.E.B. Du Bois’s *Black Reconstruction* (1935/1998). In critiquing (neo)liberal conceptions of democracy, Davis reminds us that critique without an alternative imagination is not enough:

As triumphant as capitalism is assumed to be in the aftermath of the collapse of the socialist community of nations, it also continually reveals its inability to grow and develop without expanding and deepening human exploitation. There must be an alternative to capitalism. Today the tendency to assume that the only version of democracy available to us is capitalist democracy poses a challenge. We must be able to disentangle our notions of capitalism and democracy to pursue truly egalitarian models of democracy. (2005, 24)

Just like the destruction of legal slavery according to Du Bois was not enough to complete the transformation of the U.S. racial order, Davis thinks that the destruction of capitalism is not enough to end the suffering caused through the prison and military systems. There needs to be alternatives, a new imaginary that creates and informs new institutions. Abolition democracy, for both Davis and Du Bois, must be enacted through the abolition of institutions that advance the dominance of any one group over any other, which would include both the military-industrial-complex and the prison-industrial-complex, and the creation of alternative institutions that render the mechanisms and disparities that led to those abolished institutions in the first place. As Davis points out, “The challenge for us is to complicate the discourse, and to make it very clear that it is not an either/or, nor a for or against situation” (125). Having and articulating an



alternative imaginary is necessary toward achieving that goal.

In his book *Aberrations in Black*, Roderick Ferguson argues that just because people might share a commonality (Black) does not mean that they are the same. In the opening lines of the book, Ferguson presents Marlon Riggs's image of a black drag-queen prostitute sashaying along a waterfront. By conjuring this figure, Ferguson asks his readers to not lose sight of either the universality or particularity of this person:

She is multiply determined, regulated, and excluded by differences of race, class, sexuality, and gender. ... She is disciplined by those within and outside African American communities, reviled by leftist-radicals, conservatives, heterosexuals, and mainstream queers alike, erased by those who wish to present or make African American culture the embodiment of all that she is not - respectability, domesticity, heterosexuality, normativity, nationality, universality, and progress. (2004, 1-2)

Ferguson's engagement with the dominant discursive canon of sociology alongside Queer of Color Critique reminds researchers that canons are like archives, they are there to be used, but in using them we should not get used by them. Universality attempts to behave in a similar manner when devoid of the particularities that inform it. It becomes an absent and potentially dominating principle or procedure that cannot account for difference or even, at times, humanity. It is the process of normalization, in and of itself a universal process, which interprets this prostitute as a problem, rather than a *person* with problems (i.e. poverty, homelessness, loneliness, etc.).

In her book *Black Magic*, Yvonne Chireau points out that a focus on one side of a dualism, like toxic/tonic, does not guarantee the desired outcome. This wisdom is present in sayings such as "be careful what you wish for" and "what can harm you can also heal you." In attending to the opposition between "poisoning" and medicine/doctoring in the late eighteenth century United States, Chireau writes,

Healing and harming specialists did not perceive an ethical contradiction in the performance of these two activities. The categories of healing and harming were morally neutral attributes of the same powers of predisposition and control. The Western idea of delineating good from evil as "obverse and reverse" concepts has no parallel in the African tradition. A more accurate dichotomy for characterizing the amoral principle underscoring such practices might be "powerful" versus "powerless." (2003, 74)

Beyond the instance of this historical period, Chireau's point is helpful for understanding the Black epistemological tradition's emphasis on the relationality between the universal and the particular. As it is shown in this citation, a dichotomy creates a kind of intellectual intimacy between terms and peoples, and that relationship demands careful attention to avoid the trap of a mono-reality, which is always a particular masquerading as a universal.

### **Returning to and Surpassing the Moment of Racial Enunciation**

In concluding it is important to remember that all scholarship is dependent on three core elements: archive(s), the imaginary, and ontology. In pulling all three together, insights into the problematic with which I opened this response push an understanding of knowledge production beyond my personal reconsideration towards a reconsideration of political science as a field more broadly. Epistemology is the study of knowledge. A researcher's epistemology informs



many questions: how one knows what they know? How one asks questions? What are “truth tests”? How one argues? How one decides what is correct and what is incorrect? A paradigm, like the scientific method framed by positivism, sets the limits to not only what questions can be asked, but how questions are asked. Black epistemology asks us to seek alternatives to address questions that such paradigms avoid, overlook, or simply dismiss.

Looking back on my response to the use of the term “ghetto” to describe Black Studies, I was responding with the tools offered to me by the epistemology of my discipline - political theory. Political theorists deal primarily with questions of meaning. As an intellectual concerned with, and because of, marginality, I can understand my desire to respond. I could not simply disregard the claim, because, as James Baldwin suggests in the citation provided in the first section of this essay, my intellectual and emotional wellbeing is intimately connected to that of others – particularly those marked as “Other.” In reconsidering Black epistemology as a political theorist, I now know that in responding to future, but similar, claims I can shift the question. Rather than respond in the same way as my colleagues - what did the professor mean by X - I can ask alternative questions informed by the tools I’ve cultivated from Black epistemology. These can include, but are not limited to: what kind of historical understanding of the academy prompts such a claim? Which scholars and what kinds of research does that understanding exclude? Why is the sense of unity that emanates from any department (regardless of disciplinary or interdisciplinary status) lead to an assumption of uniformity? Does having a similar identity (whether that identity be racial, ethnic, gender, or even vocational) mean engaging in identical behavior, insights, concerns, etc.? These are the questions that have the possibility of redirecting the discipline, and practitioners of, political science beyond its past shortcomings, present confines, and a future destined for irrelevancy predicated upon epistemological narrowness.

### Notes

1. By Black Studies, I am referring to the interdisciplinary discipline born in the 1960s as an attempt to make real the demands driving the struggles for Civil Rights and Black power (T’Shaka 2012, 20). Bringing this history up to the contemporary moment, political scientist Melina Abdullah situates the field of Black studies as instrumental in the emergence of the political consciousness embodied by the Black feminist creators of and the social movement known as Black Lives Matter (Hayes 2016, 166-167).
2. The professor also referenced other interdisciplinary fields such as Chicana/o studies and feminist studies. Using the lens of Black feminist epistemology (Collins 2000), the combination of ethnic and gender studies under the discursive umbrella of “ghetto” by this individual suggests an epistemological bias for and in Western (patriarchal) epistemology.
3. The political science seminar was taught from January to March in 2011. A total of ten students (nine graduate and one undergraduate) spanning the fields of sociology, history, Chicana/Chicano studies, political science, and film & media studies were enrolled.
4. The graduate proseminar was co-taught from April to June in 2011 by two core faculty members of Black studies, one of which has a Ph.D. in political science. The course description read: “This course provides opportunities for graduate students to engage in critical inquiry based on current research in Black Studies and related arenas of knowledge and to develop consciousness of how Black Studies can augment the cur-

rent work such graduate students in the disciplines [across this university] are carrying out.”

5. Much of the research replicated by American-style political scientists is currently being up-ended (Blakely 2016; Gunter & Kizzire 2016; Junn 2017; Levy 2017; Malone 2016; Newkirk 2016; Shashkevich 2016). For decades, political theorists have voiced concerns that the discipline was either in or heading for a crisis (Dahl 1961; Glynos & Howarth 2007; McClure 2014; Moran 2014; Strauss 1968; Wolin 1969). Those at the intersection of Black studies have called political science “an arrested discipline” dedicated to ideological assertion rather than developing along philosophical or scientific lines of paradigmatic transformation (Robinson 2016, 22).
6. I took this course from January to March in 2013 with approximately eighteen other graduate students spanning a multiplicity of disciplines including, but not limited to, sociology, ethnomusicology, history, and film/media studies. Almost every citation in this essay comes from readings included on the original syllabus save a few works that I have chosen to include in the footnotes for further contextualization of specific terminology and history. What is decidedly missing from this list of texts is the vast literature known as Black feminist epistemology. A treatment of this literature is more than warranted given the biologically determined conceptions of both race and gender underscoring both the term “the ghetto” and its usage in the vignette that opens this essay to dismiss both gender and ethnic studies programs. What the professor failed to recognize about Black studies and feminist studies is underscored by Black feminist epistemology as it rejects exclusionary definitions of Blackness and women/femmes “because they are inherently separatist. Instead, the connections here [between Black and femme] aim for autonomy” (Collins 2000, 33). For a recent text attentive to the significance of Black feminist epistemology for the field of Black studies that does well at bringing together the connections between the archive(s), imaginary, and ontology, see C. Riley Snorton’s *Black on Both Sides: A Racial History of Trans Identity* (2017).
7. Cedric J. Robinson contends with this very phenomenon in *The Terms of Order: Political Science and the Myth of Leadership* (1980/2016): “Specific to Western social thought, we have come to perceive *things* extracted from the context of their social and historical processes, or in their object-fixity. Through this mode of recognition, the apparent loci of our lives is best defended and/or conserved. ... One consequence of this doubly useful conservatism is that the dislocations and horrors of human society continue to be mistakenly approached” (206).
8. Put differently, James is providing a genealogy of Haiti beyond the confines of the Western tradition by “tracing out a critical history of the present as a mode of intentionally *disruptive* critique, as capable of redescribing a dominant or hegemonic formation of power/knowledge, we must be attentive to an ethics of genealogical investigation (one that centers the voices and archives of those most marginalized by the objects of analysis) and the philosophical use of history and specific histories directed toward liberatory ends beyond the currently given conditions” (Dilts 2017, 52).
9. By insurgent scholarship, I am referring to research built on networks that bypass the elite institutions that typically orient knowledge production. For more exposure to in-

surgent intellectual networks see Aldon Morris's assessment of W.E.B. Du Bois as the founder of modern sociology in *A Scholar Denied* (2015).

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## Submerged and Contained: The Figure of Race in American Political Science<sup>1</sup>

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In 2015, when I was looking at political science departments across the University of California system for places to apply for a postdoctoral fellowship, part of what became evident was the scarcity in those departments of scholars of U.S. race politics who center a theoretical, historical, and interpretive rather than quantitative approach. On one level, this uneven attention to race reflects the history of the larger discipline—with its explicitly white supremacist and empire-reaching research agendas in the nineteenth century (Vitalis 2015) and then its turn in the early twentieth century towards a stunning silence on race (Smith 2003, 41). Between 1906-1963—a time in U.S. politics characterized by the racial terror of lynching, the eugenics movement, the Allotment Act, anti-miscegenation statutes, the sedimentation of Jim Crow, segregation from school campuses to chain gangs, Executive Order 9066, the *Brown* decision and surrounding national discourse, Operation Wetback, the murder of Emmett Till, and the Montgomery Bus Boycott, to say nothing of the Harlem Renaissance or work by twentieth century Black public intellectuals—in these six decades the discipline’s flagship journal, *American Political Science Review*, had in total four among 2,614 articles whose title mentioned the words “race,” three that mentioned “civil rights,” and six that used the word “Negro” (Matthews 1969, 113).

The place and figure of race in political science has been examined by a number of scholars who have marked its presence and absence through discourse analysis of flagship journal publications or APSA presidential addresses (Matthews 1969; Walton Jr. et al. 1995), through documenting the marginalization of research at the intersection of race and gender (Alexander-Floyd 2008, 819; Scandal In Real Time Conference Proceedings 2016), and through broad mappings of specific subfields (Fogg-Davis 2003; Lake 2016; Lowndes et al. 2008; Mills 1997; Vitalis 2015; Willoughby-Herard 2015a)<sup>2</sup> and in the discipline as a whole (Affigne 2014; Alexander-Floyd 2008; APSA Task Force 2011; McClain and Garcia 1993; McClain et al. 2016; Robinson 2004; Smith 2003).<sup>3</sup>

The gaps I found in University of California political science departments in terms of a scarcity of race theorists or interpretive scholars of U.S. race politics—even as there are some number of quantitative race scholars—also reflects anxieties about theory and about historical and interpretive methods in political science, a discipline which self presents as scientific (Schmidt 2016). The outcome is that, with the exception of work by a committed group of scholars in race and political theory or race and political history, the discipline of political science is, in sheer scope and reach, theory-poor on race (and on gendered race and raced gender) (Fogg-Davis 2003, 555; Beltrán 2010, 12-13 and 158).

There is, as Tiffany Willoughby-Herard (2015b) has put it, an interdisciplinarity that is deeply submerged (that is, it is present, but disavowed and marginalized) in the field of political science, one that concerns the status of Black, Indigenous, and Latinx political thought within the discipline. My first years attending the National Conference of Black Political Scientists Annual Meetings, national and regional political science conferences, and as well as the 2016 Scandal In Real Time National Conference on Black Women, Politics, and Oral History at UC Irvine, quickly put the disjunctures in the field into sharp relief.<sup>4</sup>

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The subfield of political theory has been haunted by its disavowal of race and coloniality in some of the same ways that, as Toni Morrison (1992, 5-6) has explained, American literature and literary theory is constituted by its disavowal of blackness. As Cristina Beltrán (2017) observes, political theorists have so often failed to take race scholarship seriously as an intellectual and political project. At a recent political science conference, for example, after a senior scholar presented a careful and well researched paper devoted to a multifaceted conceptual thread within the oeuvre of one feminist of color theorist, an audience member during the question and answer session leaned back in his chair and asked if maybe this thinker was, in fact, just confused rather than complex. This kind of encounter is common for junior scholars who are met in job talks with outright hostility over the question of who they have the audacity to call and treat as a theorist. As Kathryn Belle, founder of the Collegium of Black Women Philosophers, explains, to work at the intersection of multiple theoretical traditions within and across disciplinary bounds, and to do work that unhinges the tenants of a disciplinary canon like that of philosophy or political science, what is required is to be read in two or three (or more) times the literatures of one's peers (2016). Belle registers how it is, over time, physically, emotionally, and intellectually exhausting to be "quizzed" by academics who can barely name any women scholars of color.<sup>5</sup>

There is a different but related pattern nestled alongside this policing and disavowal of the political thought of people of color and Indigenous people. As Beltrán (2017) has explained, where political theory does engage Black or Latinx political thought, it is often engaged as an "emancipatory supplement" to western thought. These are, as Beltrán has put it, "...theoretical drive-bys, fleeting references in which race scholars become talisman rather than text." In this dynamic, the logic of the emancipatory supplement is to adorn rather than unsettle and replace. On the other hand, as Beltrán observes, when and where theorists *do* engage "race scholars" it is often with a set of affective commitments and desires that we don't fully acknowledge and that constrain our being able to see the fullness of the texts. Our desire for the "emancipatory charge" has us read in ways that don't allow us to linger in the complicated spaces and the contradictions—as when thinkers simultaneously challenge and uphold hierarchical relationships of power.

What happens when we face the charge that all texts are raced texts? When we refuse the pattern in which Black political thought, for example, comes to bear the burden of signifying race? As scholars have noted across disciplines, the texts of the white canon are themselves raced texts, and practices of interrogating their investments (Gines 2014, 25, 29),<sup>6</sup> their place in the production of whiteness and racial power, and their relationship to the politics of knowledge production can help us shift away from an additive approach in the study of race in political science. This is a practice of shifting our gaze to the politics of knowledge production in our field and to the intellectual and political history of our discipline, and to read everything sharply attuned to this context (Luk 2016). The practice is not to "add" race (or gender, ability, or class) to a comprehensive exam list, to a syllabus, as an independent variable, or as a citation, but to unearth in our scholarship and with our students the ways in which texts are mired in, work through, and participate in racialized contexts, ideologies, silences, and/or histories of resistance.

In thinking about my own research and my place in the field, I understand myself to be part of a genealogy of interpretive political scientists, political theorists, and interdisciplinary race theorists who have oriented me towards a place of inquiry where politics is a materially-consequential struggle over interpretation, a place that takes as a starting point the centrality of race (and gender and coloniality) in the making of national political culture, and a place that brings cultural studies tools to bear on the study of power and institutions. I come to political



theory through James Baldwin's essays, and more broadly through ethnic studies and Native studies theory, especially Black feminist theory, women of color feminist theory, Indigenous political theory, and queer of color critique. It has been critical for me to go to other disciplines to find much of the theory and many of the intellectual interlocutors I need in order to do my work in U.S. race politics and political thought.

In part, this has meant traveling continually between political science and ethnic studies conferences to forge connections in my work and in my intellectual community. One of the things that I have found during these travels is that, with a now-familiar set of faces as the exceptions, political scientists are notably absent at all three of the largest ethnic studies conferences in North America—the American Studies Association, National Ethnic Studies Association, and Critical Ethnic Studies Association meetings (Perry, 2017). In these spaces, I am often met with shocked facial expressions when people hear I am in political science. They exclaim in disbelief when I tell them about the presentations at political science conferences on the political thought of Assata Shakur, Audre Lorde, or Sylvia Rivera. What has become apparent in these conversations is that many scholars in other disciplines dismiss or have largely given up on political science as a resource for conceptualizations of race.<sup>7</sup>

I suggest that the lack of traveling on the part of political scientists represents a liability for our discipline because it means being cut off from a central hub of contemporary theoretical and interpretive work on race. Our disciplines' own theoretical and empirical research on race remains insular. Ultimately, for political science to engage with the political production of racial meaning and the meting out of social life and death calls for being in relationship to race scholarship outside the field *and* reckoning with the submerged interdisciplinarity within our own field.<sup>8</sup> Furthermore, with some of the most incisive political analyses today coming from within grassroots organizing against racialized violence, those of us who are positioned within academia are called to listen differently, and to find ways to theorize with and alongside people outside of academic institutions. This is not only a matter of being relevant—what is also at stake is an ethics of relationship and responsibility to the political realities of our moment as well as the field's understanding of where knowledge is generated. As Cheryl Harris (2017) has put it, political organizing is “not just ... a site of application [of knowledge and theory] but a place where knowledge is produced.”

Today it can give us a shudder to think of the *American Political Science Review* having three titles mentioning “civil rights” during the swell of a multi-sited, history-changing set of political mobilizations in the mid twentieth century. What is the corollary today? What structures of power and hierarchy do we uphold with our current optics and disciplinary investments? And perhaps most importantly, how will our scholarship accompany, bear witness to, and participate in acts of radical political imagination (Kelley 2002, xii, 7)?

### Notes

1. Thanks to Zachary Hicks, Mzilikazi Koné, Zein Murib, Jasmine Yarish, and two anonymous reviewers from *NPSR* for their helpful comments on a previous draft of this essay.
2. For examples in American Politics and American Political Development, see Lowndes et al., 2008 and Smith 2004; for examples in International Relations, see Lake 2016, Vitalis 2015, and Willoughby-Herard 2015a; for examples in Political Theory see Fogg-Davis 2003 and Mills 1997. These examples are illustrative—they are by no means exhaustive.
3. An excellent example of a book length excavation of these dynamics within the field of

sociology can be found in Steinberg 2007.

4. These dynamics also manifest, for example, in the “push out” of scholars of race, gender, and coloniality from political science departments into Ethnic Studies, African American and Africana Studies, Gender and Sexuality Studies, and Native Studies; the policed reproduction of the canon; or treatment of race as a “week 8” topic and the likely erasure of settler colonialism entirely in course design rather than engaging race and settler colonialism as foundational analytics (Alexander-Floyd 2008; APSA Task Force 2011; Scandal in Real Time National Conference on Black Women, Politics, Oral History 2016). In their 2011 report, the APSA Task Force on Political Science in the 21<sup>st</sup> Century emphasized the need for issues of race, gender, and class to be incorporated as categories of analysis that “inform each unit of study” rather than be treated as separate or supplementary units of the curriculum (3). This is the difference between teaching race or gender as subtopics versus teaching them as central and interlocking analytics across a course.
5. Belle (née Gines) explains that “It can be physically, intellectually, and emotionally exhausting to be expected to know all of the white man’s canon when many of them can hardly name or cite any women scholars. And to be expected to know all of the white women’s canon when many of them can hardly name/cite any scholars of color, male or female. And to be expected to know all of the Black man’s canon, when many of them can hardly name/cite any women scholars, including women scholars of color. And the Latino man’s canon, when many of them, too, can hardly name or cite any women scholars, including women scholars of color. It can be physically, intellectually, and emotionally exhausting to be constantly quizzed on everyone else’s canon by the very scholars who willfully neglect one’s own, or worse denies that it even exists.” Belle delivered her comments at the Scandal In Real Time National Conference on Black Women, Politics, Oral History, featuring scholars from the Association for the Study of Black Women in Politics and interdisciplinary fields. The conference was convened May 11-13, 2016 at University of California, Irvine and was organized by Tiffany Willoughby-Herard, LaShonda Carter, and Mali Collins. Conference proceedings are archived here: <https://www.youtube.com/playlist?list=PLQw7KTnzkpXeNrQs-jZHD-CbkO3IWfbr2>.
6. The author “Kathryn T. Gines” is cited throughout the body of the text and citations but now goes by “Kathryn Sophia Belle.”
7. As Heath Fogg-Davis (2003, 555) notes, although there has been, relatively speaking, increased attention to race in contemporary political theory in the early twenty first century—especially in discussions about identity, discrimination, and feminist discourse on intersecting forms of identification, these discussions have for the most part not examined *racial meaning* in a sustained manner.
8. The latter task includes interrogating the race and gender politics of the formation of the discipline and its canonical texts (Gines 2014; xii).

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## Jazmine Headley and the Black Mothers That Knew Her Name

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On December 7, 2018, police officers arrested 23-year-old mother Jazmine Headley at a Human Resources Administration Center in Brooklyn, New York. This piece discusses the tools of state misrecognition that orchestrated her arrest and the charges that followed. Further, it considers the videos of the incident that proved to be centrifugal to Headley's release. Moved by the interventions of the women who recorded them, this piece reflects upon black motherhood as a practice of recognition that recasts the bounds of citizenship in contemporary American life.

Prompted by an unexpected halt in her child care financial assistance for her one-year-old son Damone and the day care provider's subsequent deferment of his enrollment, Jazmine Headley took the day off from her part-time cleaning job, packed a bag of her infant's favorite snacks and toys, and headed to the Boerum Hill HRA office (Southall and Stewart 2018). She spent two hours in line before meeting with a case manager. They informed her that she would need to reapply for child care coverage and to do so would take several days (2018). Before leaving, she decided to inquire about her standing in the cash assistance and food stamps program. This required her to join another line. She surveyed the waiting room for an available chair but found none. Headley decided to sit on the floor and found an opening by the exit (2018).

While she sat and tended to Damone, a female security guard approached Headley and asked her to stand. They stated that in accordance with fire safety measures sitting on the floor was not permissible. Headley doubted this claim and remained seated. The young mother later told Ashley Southall and Nikita Stewart of *The New York Times*, "I just remember being talked to very viciously." The HRA peace officer, Headley continued, "more or less" proclaimed "'you're going to do what I say, and that's it'" (2018). An argument ensued and the security officers called upon the New York Police Department. Upon their arrival, they asked Headley to leave. She rose to her feet, "picked up her baby and started to leave" (2018). Contentious exchanges between the guard and Headley continued. Southall and Stewart note that according to a police officer, "the guard grabbed her arm, and they all tumbled to the floor" (2018). Four police officers pinned her to the ground and wrestled with her for control of the child. While one official, a male, held Headley's shoulders down, another attempted to loosen her grip. The others recurrently pulled and yanked the baby's arms, limbs, and torso. Headley repeatedly wailed, "They're hurting my son!" (Southall 2018; Ferguson 2018). She struggled to move and tried to push the officers away. In response, the group only intensified their application of restraint. Members of the NYPD and security staff turned away from their efforts to regulate the outraged crowd and began to assist their colleagues. At a point an officer hovering over the Headley's head pulled out a yellow taser gun (Ferguson 2018). After several minutes, the officers separated the mother and child, handcuffed Headley, hoisted her from the floor, and escorted her out of the room.

The Brooklyn district attorney, Eric Gonzalez, charged Headley with "resisting arrest, acting in a manner injurious to a child, obstructing governmental administration and trespassing" (Gold and Southall 2018). She was detained at Rikers Island for five days. Spurred by the efforts of the Brooklyn Defender Services, Gonzalez dropped the charges on December 11<sup>th</sup> (2018; **Schreibersdorf 2018**)<sup>1</sup>

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"I should've left," Jazmine Headley lamented to the *Times* following her release. "I didn't because if I would've left, my son would not have the things that he needs" (Southall and Stewart 2018). For Damone's mother, and other poor, African American women, the process of exercising their citizenship right to seek government aid requires that they contend with oppressive apparatuses that isolate them from the public sphere and the freedoms, power, privileges, status, and access it affords. Enduring conceptions of black women as naturally idle, sexual deviants, irresponsible mothers that conceive with abandon, and inherently pathological bearers of degenerates have continually barred black women from the nation's democratic social contract.

The sweeping and transformative welfare reform that marked the last decades of the 20<sup>th</sup> century epitomizes this project of exclusion and laid the foundation for Headley's traumatic encounter. In the 1990s, President Bill Clinton's administration replaced Aid to Families with Dependent Families (AFDC) with Temporary Assistance for Needy Families (TANF) – the program upon which Headley's family now depends. This transition comprised severe cuts in cash assistance. The period also saw the passage of the Personal Responsibility and Work Opportunity Act (PRWORA), the waiving of federal standards for state welfare programming which prevented against the discriminatory local policy implementation, and "Family Cap" laws. While black women did not represent the majority of AFDC recipients, they disproportionately relied on the aid to support their children (Roberts 1997, 215). Thus, the close surveillance of recipients on the part of social workers, the denial of increased benefits for welfare dependent families with unexpected births, forced birth control, "Work First" requirements, distinctly entrapped black women recipients in a cycle of poverty.

Welfare-dependent black mothers' public identity as "welfare queens" fueled these policy shifts. Forged and popularized by Ronald Reagan, the term, as stated by Ange Marie-Hancock, "simply gives a name to long-standing beliefs regarding single, poor African American mothers" (Marie-Hancock 2004, 57). Lazy, oversexed, and cheats devoid of American political values, "welfare mothers did not deserve government assistance, largely because they were responsible for their own poverty" (2004, 55). Undoing their dependency through state regulation would ultimately improve the government's economy.<sup>2</sup>

The excessive force that prevented Jazmine Headley from renewing her benefits, her detainment at Rikers, as well as the Administration for Children's Services (ACS) imminent removal of her parental custody due to the charge of child endangerment points to the modern carceral system's functioning as a keeper of "welfare queens." Dorothy E. Roberts' "Prison, Foster Care, and the Systemic Punishment of Black Mothers," among other works compellingly reveal the overrepresentation of poor black mothers in prisons and the disparate placement of their children in the U.S. child welfare system (Roberts 2012).<sup>3</sup>

Upon entering the social services office, Jazmine Headley confronted a "crooked room." "When they confront race and gender stereotypes," writes Melissa Harris-Perry in *Sister Citizen: Shame, Stereotypes, and Black Women in America*, "black women are standing in a crooked room, and they have to figure out which way is up. Bombarded with warped images of their humanity, some black women tilt and bend themselves to fit the distortion" (Harris-Perry 2012, 29). In her interview with Southall and Stewart, Headley shared, "They never asked me my name. They never said, 'Hello, who are you?'" (Southall and Stewart 2018). The crooked images foretold her identity. She was a dependent unable to carry herself like an orderly member of society. Thus, for Headley, to stand would be to "tilt and bend" herself to accommodate the official's perception.



She was not alone in the crooked room. There were others waiting to hear their numbers called and when the police vehemently toppled and doggedly tugged at the mother and son, they took notice. Many pulled out their cell phones and began to record. Widely circulated and shared across media platforms, the footage they collected would support the Brooklyn Defender Service's call for the DA to dismiss the charges and impel Justice Craig S. Walker, whom referred to the arrest as a "horrific scene," to order Headley's release (Gold and Southall 2018). Resisting the staff's attempts to lessen their unrest, they shouted and yelled at the NYPD and security staff. The women demanded that they cease their constraint of the small family. "Oh my God, look at what they're doing!," "No!," "That's a baby!" "What are ya'll doing to her?," and "Get off of her!" rang throughout the office (Ferguson 2018).

Nyashia Ferguson, also mother to a small child, uploaded the video to her Facebook page and encouraged viewers to share it. She told the *The New York Times* that the guards are "always rude." Ferguson proclaimed, "They think that people that are poor don't have nothing, so you can treat them any kind of way" (Southall 2018). Also confronted with images that perverted their voices and needs, the women avowed that the mother deserved a seat and rest between meeting with social service workers. Captured in their reverberating pleas that "somebody get the baby" they saw Damone as an infant deserving of protection (2018). She was not unfit to take hold of her child, the police were. The Brooklyn mothers knew Jazmine Headley by another name and sought to collectively make visible the crooked room.

### Notes

1. The presiding trial division held Jazmine Headley at Riker's Island without bail due to a warrant for her arrest in New Jersey. In 2016 Mercer County Superior Court charged Headley with a minor misdemeanor related to credit card theft. Unfortunately, she missed several court appearances. As confirmed by the Brooklyn Defenders on December 12<sup>th</sup> she appeared in court and pleaded not guilty. The charges were dismissed.
2. For further discussion on the ascendancy of the "welfare queen" narrative see, Kem Roper, "From the 'War on Poverty' to Reagan's 'New Right,' What's in a Name? The Symbolic Significance of the 'Welfare Queen' in Politics and Public Discourse," Dissertation (University of Louisville, 2012); Carly Foster, "The Welfare Queen: Race, Gender, Class, And Public Opinion," *Race, Gender & Class* 15, no. 3/4 (2008): 162–79; Dorothy E. Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Pantheon Books, 1997); Sue K. Jewell, *From Mammy to Miss America and Beyond: Cultural Images and the Shaping of US Social Policy* (New York: Routledge, 1993).
3. Coupled with aforementioned text, additional works that address the carceral state's stigmatization of black mothers include, Beth Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012); Stephanie R. Bush-Baskette, *Misguided Justice: The War on Drugs and the Incarceration of Black Women* (New York: iUniverse, 2010); Julia Sudbury, *Global Lockdown: Race, Gender, and the Prison-Industrial Complex* (New York: Routledge, 2005); Susan C. Boyd, *From Witches to Crack Moms: Women, Drug Law, and Policy* (Durham: Carolina Academic Press, 2004).



# **BOOK REVIEWS**

Darren Frederick Speece. *Defending Giants: The Redwood Wars and the Transformation of American Environmental Politics* (Seattle and London: University of Washington Press, 2017), \$34.95, 384 pp. ISBN: 978-0-295-99951-7 (hardcover).

Standing over three hundred and fifty feet tall, enormous redwood trees grow in the thick fog of California's North Coast. The groves of two-thousand-year-old redwoods are quiet, the soft, thick beds of redwood needles absorbing nearly all sound. In *Defending Giants: The Redwood Wars and the Transformation of American Environmental Politics*, Darren Frederick Speece explores how this landscape, so remote residents call it the "Lost Coast," became the locus of the forces of global capital, explosions of violence, and presidential intervention. Centered on the attempts of an informal coalition of activist groups to stop the Pacific Lumber Company and other multinational timber corporations from "liquidating" or clear-cutting thousands of acres of old-growth redwood groves in the 1980s and 1990s, Speece makes a valuable contribution to the historical study of environmental justice, community activism, and the dynamic and overlapping responsibilities of individuals, corporations, and governments. Combining interviews with meticulous archival research, Speece provides a nuanced, yet incisive analysis of how a local community's struggle for justice in the 'Redwood Wars' catalyzed changes in environmental governance at the state and federal levels that continue to this day.

Speece's work challenges the conventional historical accounts of the American environmental movement and its evolution. He rejects the standard narrative in which the activist-led environmental movement transformed into a professionalized cadre of Washington, DC-based lobbyists, lawyers, and administrators on Earth Day 1970. Instead, Speece argues that community organizers and activists have continued to remain the heart of the environmental movement, organizing creative campaigns that both induce and make use of political change at multiple levels of government. In doing so, he credits small, strategically-diverse citizen groups with playing a central role in transforming the form of American environmental governance from one of Congressional legislation to executive branch negotiation and regulation.

*Defending Giants* is structured chronologically although Speece frequently breaks from his narrative to better contextualize events. The first half of the book examines the broad historical trajectory of efforts to protect old-growth redwoods on the North Coast. The opening chapter begins with an overview of the ecology of the redwood forests, their colonization and expropriation by European settlers, and the development of a thriving timber industry fed by San Francisco's frenetic expansion during and after the Gold Rush of the mid to late nineteenth century. By the early 1900s, the pace with which forests were destroyed generated growing concern among both rural residents and wealthy urbanites. This produced stirrings of collective action from women's clubs and pro-environment groups, who teamed up with philanthropists to purchase small areas of particularly magnificent groves from timber companies such as the Muir Woods National Monument though logging continued around them. Speece emphasizes that while a handful of conflicts led to occupation and tree-sits by local residents, especially women, the first half of the twentieth century saw these transactions generally take place among social elites in a spirit of voluntarism, philanthropy, and corporatist governance.

The inflection point in Speece's narrative is the harsh winter of 1954–1955, when massive floods decimated the protected grove of Bull Creek and left thousand-year-old redwoods "strewn around the alluvial flat like toothpicks" (p. 64). Precipitated by clear-cuts above the basin, the floods revealed the shortcomings of attempting to simply preserve 'majestic' monuments without considering the health of the larger ecosystem. Groups like the Sierra Club

soon changed tack, transitioning in the early 1960s from a strategy of preserving monuments to protecting ecosystems.

The consequences of this transition flow rapidly in the book's second chapter. Protecting entire ecosystems requires immense expanse of land, far larger than environmentalists could purchase through philanthropic benefactors. Moreover, timber companies showed little interest in curtailing the rate at which they chewed through the forest, introducing bulldozers and mechanized logging techniques in order to increase their annual yield and, by extension, their profits. Lacking both funds and a willing negotiating partner, the North Coast's environmental activists turned instead to the government, and especially the California Board of Forestry, to step in and force timber companies to stop cutting down their old-growth redwood forests.

Initially, this strategy seemed to be a dead-end, as the Board of Forestry was a close ally of the logging industry and refused to impose restrictions on the timber companies. But new environmental laws in the late 1960s and early 1970s empowered citizens to sue the government if regulators failed to follow the proper permitting procedures. This gave the activists traction and led to what became known as the Redwood Wars, a cyclical series of interactions between 1978 and 1996 in which activists used the California state courts to drive a wedge between the timber companies and their government regulators.

In the latter half of the second chapter, Speece provides a colorful history of how the the Redwood Wars' skirmishes occurred. Each cycle would begin when a timber company submitted their logging plans to the Board of Forestry, which would immediately approve them. Environmental activists would file a lawsuit against the Board of Forestry and obtain a restraining order on the logging plan. But the restraining order frequently expired before the trial began, at which point activists would physically occupy the woods, chain themselves to trees, and engage in 'ecotage,' destroying workers' tools and driving spikes into to trees to prevent logging. After the activists were arrested, the court would grant another restraining order. After a long trial, the regulator would be obliged to reject the harvest plan, the company would file a new harvest plan, and the cycle would begin again.

The third chapter focuses on the central battle of the Redwood Wars: the struggle over the Headwaters Forest. By 1985, only ten percent of the old-growth redwood forest remained, and the Headwaters Forest, secluded far from human settlements, contained the last unprotected, sizable old-growth redwood groves. Speece provides an in-depth profile of the owner of the Headwaters Forest, the Pacific Lumber Company, and its CEO, the corporate raider Charles Hurwitz. Presented as an almost cartoonish villain, Hurwitz takes over Pacific Lumber through a hostile takeover in 1985 and soon reveals his plan to lay waste to the company's assets to pay off his creditors. In his first speech on the company floor, Hurwitz explained his managerial philosophy by saying, "There's a little story about the golden rule. Those who have the gold, rule" (p. 67). Hurwitz and his lieutenants soon develop a new forestry policy for Pacific Lumber: clear-cut all of the company's remaining old-growth groves within the next two decades, most of which were located in the Headwaters Forest.

The fourth chapter centers on the mobilization of the North Coast's environmental movement in response to Hurwitz's clear-cutting plan. Speece focuses on two main protagonists, Darryl Cherney and Judi Bari, leaders of the North Coast branch of the organization Earth First! Initially, Cherney and Bari helped organize regular protests in California's Humboldt and Mendocino Counties to convince their fellow residents that Hurwitz's plans meant the imminent foreclosure of their communities' future. But the conflict became violent once Pacific Lumber countered the protests by calling Earth First! a terrorist group and tacitly encouraging

employees to attack the activists. In a particularly vivid scene, Bari was driving with her four children when she was rear-ended by a logging truck, whose driver hopped out yelling, “I didn’t see the children!” (p. 162).

By 1990, the activists had gained considerable momentum. A “guerrilla war” was developing in the forest, Hurwitz suffered a debt default, and the Headwaters Forest conflict appeared consistently in the national press, including *Fortune*, *Rolling Stone*, and *Reader’s Digest*. Events took an unexpected turn on May 24, 1990, when a car bomb exploded under Bari’s seat when Bari and Cherney were in Oakland recruiting activists. The Oakland Police and the FBI presumed the bomb belonged to the activists and failed to investigate the case beyond searching Bari’s house. The perpetrator was never found but, a federal jury ruled in 2002 that the FBI and Oakland Police had committed fraud against Cherney and Bari’s estate, awarding them \$4.4 million.

The book’s final chapter is a whirlwind of activity, as the activists pursued state referendums, legislation, and judicial action, all in the context of ongoing direct action that generated hundreds of arrests and spurred the Clinton Administration to become involved. Through direct negotiations with Pacific Lumber, the executive branch agreed to compensate the company for placing the core of the Headwaters Forest in government protection and creating the first multi-species Habitat Conservation Plan to limit the company’s old-growth logging in the future. Ultimately, the government, activists, and corporation reached an agreement that none found entirely satisfying, but all were able to accept, at least for the moment.

Speece’s argument regarding the impact of the Redwood Wars on the national environmental movement is persuasive, although it is at times overwhelmed by the author’s attention to nuance and willingness to explore tangential narratives. The reader is also left somewhat unsure at the end of the book how to distinguish the Redwood Wars’ broader impact from that of contemporaneous events, such as the more extensively studied stand-off over the Northern Spotted Owl in the Pacific Northwest. Despite these shortcomings, *Defending Giants* is a strong contribution to the historical study of environmental justice as a process rather than a single event. As the relationship between private property and public goods continues to be better understood, Speece provides an excellent case history of how small groups can exercise transformative power over time and across multiple scales.

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Kwame Senu Neville Dawes and Chris Abani. *New-generation African Poets Nne: A Chapbook Box Set* (Brooklyn: New York: Akashic Books, 2017). \$29.95, 300pp. ISBN: 978-1617755408 (paperback).

In this recent edition of *New-Generation African Poets*, editors Kwame Dawes and Chris Abani weave together short but dynamic books of poetry. This set brings together 10 authors, nine of them women, who share a commonness of global African descent and who have yet to publish full or complete works. Each book begins with a preface by other contemporary black poets and scholars and every paperback cover is canvas to a different painting by artist Ficare Ghebreyesus (his rich form almost inviting you to judge each book by its cover). The collaboration from artists, poets, and academics flows through each page, which is to say that this ensemble expresses work across multiple disciplines from the brush stroke to the lyric. No book here is standalone (notwithstanding the creative labor from every author). Yet there is a particular effect that culminates from the collaborative effort that goes into publishing this box set. Every element here seems to complement one another; the artistic finesse on each cover is in open dialogue with the artwork on the pages. This literary congruence is best summed up by editor Chris Abani from the introduction – “The poem is a body and the body is a poem.” If, as Abani proposes, the poem is itself a body, then every page and every cover is just as much a reflection of the body as the body is the language through which poetry speaks. What this box set specifically seeks to address then is the Black body – “the body as an alien and dangerous entity that is negotiating its presence in a world that is sometimes hostile, sometimes welcoming, but always forcing the poet to resist erasure and visibility.” (10)

While making a conscious effort to not be essentialized as a singular comprehension of African descent, *New-Generation African Poets* strives to develop global understandings of Blackness by having a range of African-descent authors from all around the world. The ‘earthly struggles’ of being within the present-day afterlife of slavery, colonialism, and diaspora are intelligently recorded and remembered in the most global, bodily sense. Seeming contradictions push these poems in new directions and in new explorations and understandings of the body. Everywhere the language maintains a sense of what bodies can do, particularly the body in its inescapable relationship to violence, even in intimacy. The body is simultaneously a site of pleasure, violence, and remembrance. For instance, there is a sense of memories that linger and haunt in Chekwube Danladi’s poetry: memories of lovers and family, women beside her even in their absence. She writes of her ghosts:

“I am not a woman afraid of her ghosts.

...

Who am I but a vessel for the pleasures of my haunts?” (11)

The speaker is haunted by women and the legacies they carry, her aunt whispering wisdom as she works to wear the wounds her mother bears. But these ghosts are not her toxins - they are legacies and forms of remembering and healing; desire is always wrapped in violence, and memories too.

The capacity of violence stalks words like prey. Anything can be potentially violent because violence is mundane. Yasmin Belkhyr’s work especially illustrates this, often feeling like a description of the mundane perhaps even ordinary. Preface author Ladan Osman describes her work as: “polite, straightforward. Then we find sticking blood scabs, rust, and teeth everywhere,” visualizing the poems like a body with scars. While this particular imagery recalls the performative effort to render poetry as intrinsically rooted in the body, for Belkhyr, scars

and scabs are as mundane and habitual as having a body. Even love can be etched in violence:

*“Everything we do to one another can be explained by love. Even violence. Especially violence.”*

Chimwemwe Undi’s *The Habitual Be* is the last book of this collection. Most storytelling leaves the idea of simply existing far in the background or as a last thought. Convention implies that narratives place the burden of living alongside habit—that is, in the background and without energy or thought – and so it seems that most plots, fables, and fairytales are built off a disjunction and a lie. Where is the body? Undi makes a departure that forces the body into the foreground of the habitual present, as per the preface, to “lay bare the psychic costs of staying alive in Black bodies.” For Undi, the mundane violence of the everyday forces ruptures into the fantasy of habit, into social life:

“Won’t you celebrate with me,  
nonwhite & woman, how  
I can but may not name  
the thing I know is  
trying to kill me.” (25)

The title of this particular poem, “On Sickness,” is reflective of diseases that cannot be named. What is sickness when it is the world that is fallen ill? Disease here is like godliness and whiteness, like broken beauty standards and immeasurable rulers of worth, unknowable and ‘not name[d]’ because it is also everything. For the world, maybe it is her body that is the disease but she “celebrate[s]” pathology because it is the world that is cursed:

“Resist holiness.  
Flourish.” (23)

Resist holiness because everything holy is a toxin to her body, so to “flourish” is to remember that nothing can be holy when everything is sin.

The task of affirming the unholy is where these works labor. What all of these authors grapple with is the ineffable task of ‘celebrating’ in social ruin, or of ‘flourishing’ in a body being constantly poisoned. Mary-Alice Daniel’s *Blood for the Blood God* states “you can do to the body a lot of things,” and lists a few:

“You can view bodies with *aequanimitas*—that clinical practice—  
emotional distancing, as of a doctor:

...  
Or you can want them put down.  
Eliminate 350,000 bodies a year to reach optimum population

...  
You can explain the disappearance of a people by making myth—  
say that conquistadors stacked bodies,  
then poured cement on top, built them into houses—” (13-14)

That doctor, emotionally distanced, the one who prescribes toxins to the ill, comes from the same world of conquistadors and disease, of holiness and blood god worshipers who abuse and break bodies in the name of all that is divine. The capacity to flourish and to create has always been rooted in “the body and its painful earthly struggles.” For Daniel, the Black body holds the data for all the violent legacies of colonialism, slavery, and diseases that built the world. Her poetics are bodily and haunting, yet memory for her is also the precursor for creation.

*New-Generation-African Poets* performatively and methodologically engages with each author’s imagination on a bodily level. It provides multiple articulations of Blackness,

differing in groundings from geography to gender, yet ingrained in every syllable is also the body of the poet, with every poem being a new development. Here, the body operates as the primary resource that yields text with latent potential energy. Across these books, readers will encounter the familial, intimate, and deeply personal to eulogies sprung from climates of universal violence. Yet beneath either end of the spectrum is an ongoing conversation pertaining to the body because poetry is always canvas to how bodies navigate the world – these specific bodies being Black, predominantly female, and always undergoing development with every pressed letter.

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Evelyn Simien. *Historic Firsts: How Symbolic Empowerment Changes US Politics* (Oxford University Press, 2016, \$29.95, 160 pp. ISBN: 9780199314188 (paperback)).

Evelyn Simien's (2016) *Historic Firsts: How Symbolic Empowerment Changes U.S. Politics* expanded the boundaries of American political scholarship by providing a vital perspective on the topic of Black political behavior. Simien brilliantly utilizes historicism, narrative, and data to illuminate the inner workings of presidential candidacies that represent historic firsts. She weaves together gender and race consciousness while grappling with the question: To what extent does symbolism shape the political efficacy and behavior of marginalized groups? *Historic Firsts* masterfully reconstructs the candidacies and post-election impacts of Shirley Chisholm, Jesse Jackson, Barack Obama, and Hillary Clinton.

Chapter 1, titled "Symbolic Empowerment: Trailblazers and Torchbearers," unveils the book's theoretical framework. Relying heavily on Hanna Pitkin's *The Concept of Representation* and Ron Walter's *The Realities Underlying a Black Presidential Candidacy* to illuminate the concepts of representation and empowerment, Simien explores the notion that the public takes cues from political elites. Unlike Pitkin, Simien focuses on the nature of representation during presidential campaigns, as opposed to elected politicians in the legislature. Like Walters, she examines the premise of Black presidential politics and advances the notion that voting, when couched in social movements, produces empowerment. Marrying these two schools of thought, Simien defines symbolic empowerment as "a hybrid term that conceives of descriptive representation and symbolic representation as inseparable" (127). She accepts this premise under the assumption that "historic firsts can be both representative and symbolic in electoral contests" (127). The political scientist also posits voting is not enough to measure the attachment and commitment of marginalized citizenry. Rather, she introduces intragroup emotions and actions, such as pride, ego enhancement, and proselytizing, as indicators of electoral success. In relation to political contagion, proselytizing is an intriguing concept. *Historic Firsts* suggests that political leaders can have a prophetic influence on the behavior of citizens, who not only make offerings in the form of donations but also become "missionaries" who try to convert others. This phenomenon points to the long-term effects of historic nominations even after the election.

Chapter 2, "Chisholm '72: Towards a Theory of Symbolic Empowerment," details the extreme complexities of race and gender that an apprehensive Shirley Chisholm faced while running for the presidential nomination. Simien offers an important critique of Black cisgender males and organizations such as the National Association for the Advancement of Colored People (NAACP) for their concern about Chisholm's nomination. She exposes the intersectional marginality Chisholm faced from inside and outside her race, gender, and party. Drawing on exclusive transcripts and rarely seen Federal Bureau of Investigation (FBI) propaganda, *Historic Firsts* frames Chisholm as a power broker, a fierce politician who was unapologetically Black, female, and a freedom fighter. Clearly, Chisholm was a mobilizing agent who "brought people to the polls who may not otherwise have participated" despite facing unrelenting sexism and racism from both White women and Black men (35). Chisholm persisted, piercing the glass ceiling for marginalized groups. Although Chisholm lost the primary, the significance of her nomination was not only in her ability to empower first-time voters but galvanize new "grassroots multiethnic" coalitions (35).

Chapter 3, "Beyond Votes: Jesse Jackson's Candidacy and Mobilizing Effect," reconstructs the successes, failures, and pitfalls of the Jackson candidacy as well as the benefits

and hindrances of being Black and male. Using data from the 1984–1988 National Black Election Study, Simien clearly demonstrates Jackson’s mobilizing effect. Most importantly, she disaggregates Black political behavior based on gender. Although Black women and men engaged in different forms of non-traditional political behavior, the former were much more instrumental in campaigning within the increasing political contagion. For Simien, the framing of Black presidential candidates by the media “hindered the American public’s ability to fully grasp the pro-leverage strategy behind Jackson’s bid” (47). Moreover, Jackson was both supported and attacked in ways that were indicative of his gender and race. Simien concludes, however, that African American women “outperfor[m] racial, ethnic, and gender groups in American elections,” serving also as the strongest indicator of the mobilization and empowerment capacity of a candidate (72).

Chapters 4 and 5 are robust additions to the literature on presidential candidacy. They discuss how gender and race shaped the historic rise of President Barack Obama and 2016 Democratic presidential candidate Hillary Clinton. “One of Our Own: Hillary Clinton and the Voters Who Support Her,” Simien offers a compelling analysis of Clinton’s support spanning eight months of campaigning. Although Clinton empowered women and men, voters’ perceptions of her were not monolithic. For instance, Latinas had the strongest feelings of pride regarding Clinton’s campaign, yet their support decreased severely toward the end of that campaign. In comparison, although pride was not a significant variable among politically engaged Black women and men, these voters were more likely to support Clinton toward the end of her candidacy. White women were the least supportive group. Slight adjustments might have improved some insignificant variables for Simien. For example, in future analyses, more attention should be paid to the age gap for Black women and Black men. Furthermore, religiosity is a problematic area in large data sets, which examine frequency but excludes affiliation. This factor might add some context to the Latina/Latino discussion. Researchers should also consider disaggregating the Latina(o) population from the Latinx population to provide an intersectional insight into these social cleavages. Simien’s work exposes the weaknesses of this data set and the lack of evidence regarding proselytizing.

“The ‘New Black Voter’ and Obama’s Presidential Campaign,” describes Barack Obama’s meteoric rise to become the presidential candidate and 44th President of the United States. Here, Simien persuasively demonstrates why “Obama’s candidacy effectively mobilized African American voters in general and African American female voters in particular, as well as white voters who had voted in the previous election” (124). Similar to Chisolm, Obama’s multiracial appeal and ability to effectively communicate empowered more robust voting blocs. Unlike Chisolm and Jackson, Obama did not contend with misogyny and was able to run a deracialized campaign; thus, he was provided a more sustainable empowerment effect, allowing him to win the Democratic primary and ultimately the presidency.

In Chapter 6, “Presidential Politics: Ode to Remembrance,” Simien presents her final analysis. She connects the dots between each presidential candidate to demonstrate their empowering effect on voters and non-voters alike. She distinguishes between a “broker with pro-leverage” who employs negotiating strategies and candidates with “traditional performance goals.” Brokers such as Chisolm and Jackson, had to wade through intragroup conflict, hoping to bridge the gap between different strategies for Black advancement and progress. Obama and Clinton benefited from these prior nominations battles, which rendered leverage politics futile, thus allowing modern candidates to focus on more conventional electoral objectives. Simien points out Chisolm’s nomination as the most impactful of all the historic firsts because it was

“actively symbolic and involved pro-leverage strategy” (129). Using a letter from a Black woman voter after Chisolm’s retirement, Simien demonstrates long-lasting empowering effects of Chisolm’s historic nomination. Moreover, Simien discerns that historic presidential firsts serves to prime voters, heighten group affinity, and motivate citizens to engage in traditional and non-traditional political behavior such as donating money and proselytizing.

Building on the Black politics literature, Simien explores Black identity and consciousness by Black political elite source cuing, linked fate, and priming. In examining both voting and non-voting populations, this pioneering and definitive study of presidential politics, political emotions, and representation has blazed a trail for Black scholars. The limitations of this study are not the fault of the researcher but rather relate to the nature of available secondary data. For example, the south/non-south dummy variable failed to capture a holistic perspective of regionalism. Also, in the Chisolm chapters, Simien admits to lacking data and only using voting as a measurement. Data does not completely demonstrate the emotional impact first-time voters experience. In most cases, Simien and future researchers should consider a qualitative approach that focuses on groups or oral histories of first-time voters - especially those who voted twice for Obama - to add a more nuanced perspective to this discussion. Another important question is whether the failures of officeholders disempower first-time voters. In other words, whether symbolic representation has negative long-term effects in the form of “blowback.”<sup>1</sup> Although Simien illuminates the positive carry-over effects of Obama and the negative carry-over effects of Clinton, she fails to dissect the political naiveté of voters, especially first-time voters that could partially explain the intragroup emotion. Nevertheless, Simien’s *Historic Firsts* is an impressively written, clear, and concise analysis that contributes greatly to a myriad of disciplines, from presidential politics to Black politics.

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### Notes

1. See Johnson, C. (2000). *Blowback: The costs and consequences of American empire*. New York, NY: Macmillan. See also Anderson, C. (2016). *White rage: The unspoken truth of our racial divide*. Berryville, VA: Bloomsbury Publishing USA.



Christopher J. Lee. *Frantz Fanon: Toward a Revolutionary Humanism*. (Athens, Ohio: Ohio University Press, 2015), \$14.95, 233 pp. ISBN: 978-0-8214-2174-1 (paper).

Christopher J. Lee's intellectual biography *Frantz Fanon: Toward a Revolutionary Humanism* accomplishes two designated goals. First, it humanizes Fanon by providing the historical context that informed and shaped his works, thereby avoiding the pitfalls of mythologizing or rendering him a cliché. The historical approach that situates his life experience within various affiliations and locations is meant to supplement the reading of his works. For example, Fanon's view about the use of violence is best understood in relation to the specific circumstances of the anticolonial struggle in Algeria and his critique of the shift of the Algerian National Liberation Front (FLN) toward political negotiations. Even more, Fanon's life and work have significance beyond this historical time and revolutionary predicament. This claim leads to the book's second goal of demonstrating the continued relevance of Fanon in the present. Lee argues that Fanon's early critique of postcolonialism and his enduring insights about the psychological effects of colonial racism and the politics of decolonization are of lasting importance. His most important legacy is a unique form of political engagement that Lee calls "radical empathy,"—the recognition and solidarity with communities beyond one's own. Lee uses this concept as a lens through which to understand Fanon's life and work. It also provides a justification for the biography itself. Fanon's life exemplifies this political ethic, which provides an alternative paradigm beyond national, racial, political, and social identities toward what Fanon envisioned as a "new humanism."

The biography moves chronologically through the central phases of Fanon's life and analyzes his major works: *Black Skin, White Masks* (1952) and *The Wretched of the Earth* (1961). Lee explains the background from which the books evolved and how they developed in dialogue with intellectual figures and thinkers such as Aimé Césaire, Maurice Merleau-Ponty, and Jean-Paul Sartre, political leaders such as Abane Ramdane, as well as the unnamed patients he treated. Acknowledging the significance of these texts, Lee argues also "for the importance of his life experience and how it informed and shaped his thought—the nonverbal, or actional, lessons of Fanon's legacy" (p. 190). He structures the biography as a tale of personal pursuit for solutions with lessons for the present. Fanon's life as a meeting point of the worlds he occupied constitutes a problem—an educated, middle-class French citizen from Martinique in North Africa who through his roles as a soldier, student, psychiatrist, writer, activist, and diplomat, confronted racism and the trauma of violence and dehumanization. Understanding Fanon's arguments as "a ceaseless search for solutions—driven by utopian ideals, yet grounded in political realities" explains the apparent contradictions in his writings. Among such contradictions, Lee signals, "deconstructing racism while acknowledging the social role of racial distinctions, supporting national liberation while cautioning against the effects of nationalism, promoting a new humanism while understanding the local meaning of cultural tradition, and believing in the importance of anticolonial violence while also practicing medicine" (189-190).

The first chapter, "Martinique," portrays the first years of Fanon in Martinique as shaped by the inherent tension black citizens of the French empire face, the promise of equality and recognition on the one hand and tacit racism on the other. Lee discusses one influential response to this contradiction in the Négritude movement and Fanon's personal relation to it through Césaire, his teacher in the Lycée Schoelcher in the capital Fort-de-France. Fanon later rejects the path of the movement for essentializing racial differences and romanticizing the past.

Chapter two, "France," follows the events in France during WWII and its aftermath.

Fanon as a soldier in the Free France army and later a student of psychiatry and philosophy in Lion experienced and diagnosed the tensions familiar to him from Martinique. He began to articulate answers in articles in the journal *Esprit* and his first rejected thesis that became his first book. Lee further discusses the influence of institutional psychotherapy, which breaks traditional doctor-patient hierarchies to create “a sense of communal healing” (p. 67) on Fanon’s medical approach. The following chapter, “*Black Skin, White Masks*,” provides a walk-through of Fanon’s first published book as a diagnosis of a set of problems he grappled with for the rest of his life: “how to live as a black man, how to live as a colonized person, and how to transcend these mutually reinforced conditions that constrained free will and, ultimately, humanity” (p. 76). Despite the slow reception, the book arguably became his most influential one.

Chapter four, “Algeria,” focuses on Fanon’s professional life and growing political engagement in Algeria. Lee situates Fanon’s work against the histories of violence in Algeria following the French occupation and the unrest that led to the Algerian war. He explains the political map of different national parties long before the war and the influence of the Battle of Algiers on Fanon. In this short period, Fanon developed his approach of innovative social psychiatry as the head of the Blida-Joinville psychiatrist hospital. Fanon, who treated both Algerian and French victims of violence and torture, submitted his resignation letter two years into the war concluding the impossibility of curing patients as long as the colonial structure of systematic dehumanization remained intact.

The next chapter, “Tunisia,” follows the development of Fanon political writings in Tunisia, to which he escaped, his diplomatic missions in Ghana and Mali as representative of the exiled FLN government, as well as with his medical practice. Lee outlines Fanon’s political writings in the FLN journal *El Moudjahid* and his next book, *A Dying Colonialism* (1959). Analyzing these texts, Lee argues that Fanon, in contrast to his critics, did not support racial or political Manichaeism but recognized them as colonial structures that need to be dismantled. Essays like “Algeria Unveiled” demonstrate the appropriation of colonial tools for liberatory aims. Similarly, Lee compellingly argues against the image of Fanon as “an apostle of violence” as a means for liberation. First, rather than defending violence as such, Fanon is a critic of colonial violence. Second, Fanon situates violence as relevant to the specific circumstances of colonization and decolonization. He criticizes the immoral violence of oppression and defends the legitimate violence of the resistance (p. 136). Third, he argues that the armed struggle is more than about political independence. It is transformative in its eradication of the depreciated image colonialism inflicted. It provides a solution to the inferiority complex he diagnoses in *Black Skin, White Masks* (p. 137-138).

The final chapter focuses on Fanon’s last book, *The Wretched of the Earth*, which he wrote in Tunisia before his approaching death. Lee continues the nuanced reading of Fanon’s theory of violence as situated against “the total violence—political, economic, and cultural—of colonialism” (p. 158) and as an internal critique of the FLN’s growing endorsement of political negotiation as a path to liberation, aligning with the revolutionary potential of the popular masses (p. 160). He claims that the unsettling psychiatric cases of his patients in the last chapter temper the book’s argument for armed struggle and demonstrate how Fanon’s firsthand knowledge grounded his theories. Lee emphasizes the importance of Fanon’s critique of postcolonialism as the continuation of neocolonialism and his analysis of decolonization as a process for a genuine liberation. The book concludes with the legacy of radical empathy that informed Fanon’s life and works and draws an unusual comparison with Nelson Mandela who similarly embodied this political ethic. This comparison is especially compelling since rather than contrasting their

views about violence it focuses on their political imagination. It reminds readers how the call to find new political language that could transcend racial binaries and fight the legacies of colonialism is still urgent today.

This concise biography, a part of Ohio Short Histories of Africa series, joins a handful of biographies and monographs on Fanon, among them David Macey's *Frantz Fanon: A Biography* (Picador, 2001), Alice Cherki's, *Frantz Fanon: A Portrait* (Cornell, 2006) and Lewis R. Gordon's *What Fanon Said: A Philosophical Introduction to His Life and Thought* (Fordham, 2015). By bringing together history and theory, Lee succeeds in avoiding an "uncritical nostalgia" that privileges the written text on the one hand and the "problem of biography," which can focus on the experience of authors at the expense of their intellectual contribution, on the other (p. 33). However, given the scope of the series and as the preface indicates, *Toward a Revolutionary Humanism* is primarily a pedagogical introduction that meant to encourage further reading. As such it is an excellent guide to accompany Fanon's books and an engaging portrait of an influential thinker rather than a comprehensive biography or philosophical analysis. Lee's argument about the legacy of Fanon's critique of postcolonialism and spirit of radical empathy that challenges more exclusionary forms of identity politics demonstrates the relevance of Fanon to political theory and philosophy, decolonial studies, black studies, and critical race theory. Decolonization does not end in political independence. It requires shaking off the internalized colonial framework and rejecting the dependency on the former colonial powers and the perpetuation of oppression under neocolonialism. Finally, the idea of radical empathy as a concluding approach to link Fanon's life and thought sets an example for an engaged writing and an ethical approach that transcends boundaries and remains an unfinished task to inspire the present. Fanon's legacy remains relevant, as Lee convincingly argues, because it is still unfulfilled (p. 196).

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Amy Sánchez-Arteaga. *Notes on the Occasion of the Celebration of the 20<sup>th</sup> Anniversary of the North American Free Trade Agreement* (Tijuana, B.C., Mexico: 2016), \$15.00, 88 pp. ISBN: 9781495196652 (paperback).

*Notes on the Occasion of the Celebration of the 20<sup>th</sup> Anniversary of the North American Free Trade Agreement* is an anthology of creative and academic work crafted in response to the North American Free Trade Agreement (NAFTA). The text was born out of a day-long symposium held at the University of California, Irvine that sought to highlight the varying artistic expressions of artists and activists in response to the precarious conditions of living between southern California and northern Mexico after 20 years of free-trade. Editor Amy Sánchez-Arteaga writes that the book intends to respond to “the state-sanctioned murder of marginalized people,” and “gesture[s] toward a curatorial practice of building solidarity with the struggles that take place within the academy, art world(s) and social movements that contextualize and give art and scholarship a greater function in the decolonization of the everyday” (xiii). Powerful essays by Pepe Rojo, an artist and theorist from Tijuana, Cristina Rivera Garza, a bilingual poet and essayist, Alicia Garza, co-founder of Black Lives Matter, and Manuel Paul López, an author and poet whose works feature life on the rural border of the U.S. and Mexico, make up the short but informative read that is available in both English and Spanish.

The first section of the anthology opens with a short story about body politics by Pepe Rojo entitled “*Swallow and Belch*.” The story begins with a description of a woman who cannot stop belching. A line of the story reads, “[e]veryone ignored her, but her presence was just overwhelming” (15). For this woman to be “ignored,” yet “overwhelming” is to imply that her presence or even mere existence causes those around her to feel disgusted or annoyed. Although natural to the body, the act of belching is often considered a rude gesture. Considering belching in this way allows the reader to connect others’ annoyance with this woman to her body. Others feel relieved when the woman exits the shared space. The attention to the woman’s body through her characterization as a belcher reveals that she is dehumanized until she can be removed—she is not a human; she is a belcher. Even if she herself is comfortable with her actions and existence, others are not. She is not being ignored because she blends in, rather she is being ignored because she stands out due to the presence of her body, which is considered to be an issue.

The text continues its rumination on controlling and erasing of the human body with an essay written by editor Amy Sánchez-Arteaga. “Las Tres Dianas: Representations of Subjection and the Dissolution of the Mexican Body Politic,” more explicitly focuses on the cultural and physical costs of the U.S. NAFTA agreement on marginalized border groups. The opening anecdote reflects a lost speaker, since “neoliberal reforms erase the border for everything but bodies like the one I live in. As a result, I become lost” (21). Sánchez-Arteaga expands on the idea that the border is erased for “everything but bodies,” as she highlights how an increase in trade and need for production results in the rise of violence and death. This is exemplified in the story of “Diana La Cazadora de Choferes,” a woman who killed bus drivers in response to female factory workers being sexually violated by bus drivers (23). In telling the story, Sánchez-Arteaga highlights the fact that “Diana the Huntress of Bus Drivers,” may not have existed; in doing so, she is able to capture how this “mythic figure” illustrates the consequences of how trade structures nations in a way that exploits their most vulnerable populations (28). This figure of “Diana” also symbolizes the lack of action that is taken by the Mexican legal system, ultimately reflecting as Sánchez-Arteaga claims “a truly social democratic state had never

actually formed” in Mexico (37).

Cristina Rivera Garza’s “The Afterlife of Cotton: Los Algodones,” and Alicia Garza’s “A Herstory of the #BlackLivesMatter Movement,” follow. Both essays tackle historical erasure. The former traces the history of cotton production in Northern Mexico—from its start as a local agricultural production to its conversion into maquiladora production seen today. In tracking this change, Rivera Garza illustrates how trade with the United States brought both cultural and economic ruin to border people. The latter discusses the creation of the Black Lives Matter movement and the many ways in which other folks and organizations have co-opted and erased the work of Black queer women. As Alicia Garza makes clear one should not “adopt Black Lives Matter and transform it into something else.” The author then specifically refers to the unique state-sanctioned violence that is perpetrated against Black bodies. Although both women highlight the role of the state in inflicting harm and promoting subjugation of citizens for personal gain, whether that be for profit or power, Alicia Garza’s work changes the pace of the anthology especially since her work reads more intentionally in its goal to teach. The “herstory” of #BlackLivesMatter also criticizes progressive movements as Alicia Garza points out the failure of folks to recognize differences in oppression.

The next set of works provide new ways to consider resistance and organizing. This section is presented as lists and reads as very informative. Certain sentences and phrases are enlarged in this section, drawing readers’ attention to phrases like “pedagogy of the ear,” and “organize the silence” (58). The first article, “10 Preliminary Theses on Militant Sound Investigation” is written by the organization Ultra-red, a collective of artists and activists based in Southern California and NYC. It presents ten theses that explain how the analysis of sound fields allow for an exchange of art and political work. For a reader who is unfamiliar with Ultra-red, the presentation of this work is intriguing as it provides a different perspective given its focus on activism via art and performance. A piece by Antena, a language justice collective follows. “A Manifesto for Interpretation as Instigation” is also presented in a list format with bullet-points to guide the reader. It argues that the “language barrier is permeable,” and that “interpreters perform radical acts of listening” (69-73). A strong emphasis is put on language and its political work as well as the work it does artistically. This piece reinforces the importance of intentionality of language, as well as the capacity of language. While neither piece confronts the problems created by NAFTA on marginalized border groups directly, the mission and actions of both groups support the movements that are growing up out of the discontent with the U.S. and its actions in the name of profit and power.

Four poems by Manuel Paul López close the anthology. They are short, but leave the reader considering the purpose of mapmaking, what it means to be able to see everything, and existence in the United States. The last of these centers on a young boy’s exploration of the United States and Mexico with his drone. The boy lives in Nevada and has an active imagination that leads him to envision fighting “costumed abstractions,” the most notable fight being with his own “otherness” (87). The drone serves to “record[s] [...] the curiosities” of the boy, which paired with his highly detailed imaginative battles, characterize him as thoughtful and observant (88). The young boy is separated from his parents who “work at various packing sheds in California,” and from his grandparents’ who live in Mazatlán, but is able to use his drone to explore these areas as well (86-88). The borders that surround him keep him from truly satisfying his curiosities of what surrounds him, but his use of technology, primarily through the flying of his drone, help him to see parts of it. In this poem, one sees the duality of surveillance. Borders are put in place to purposely keep folks from reaching what is on the other side, no

matter what it may be, and heavy surveillance is used to reinforce that. The young boy uses his drone to his advantage and records that which is normally inaccessible to him. Ironically, the story ends with the boy's "eccentric wanderings" and "curiosities" permanently archived in the drone that folks will one day use to save themselves (88). The role that drones play when upholding violence is flipped on its head in this poem, where one sees its ability to capture knowledge and potentially help a future "save itself from itself" (88).

By the end of the anthology, the reader has been exposed to various genres that all provide political commentary. Sánchez-Arteaga's ability to link works from different genres, and even works that are not necessarily tackling the same political questions, reflects the necessity and potential of dialogue across disciplines and the many approaches that one can take when trying to resist. Sánchez-Arteaga is also able to reinforce that although there are similar themes that lie within the oppression of different populations, oppression does not come in one form. In analyzing marginalized communities specifically affected by NAFTA, Sánchez-Arteaga highlights the inner workings of oppression, and violence against the bodies of people of color on a larger scale.

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Valerie Deacon. *The Extreme Right in the French Resistance: Members of the Cagoule and Corvignolles in the Second World War* (Baton Rouge: Louisiana State University Press, 2016), \$45.00, 230 pp. ISBN: 978-0-8071-6362-7 (cloth).

Valerie Deacon has successfully navigated one of the most contentious topics in Modern French history, that of resistance and collaboration during World War II, with a book that is well-written and well-researched. Deacon travels a familiar path in examining the experience and motivations of those in France who chose to resist German occupation, but her guiding question gives this work fresh perspective and opens up new avenues to explore. She begins with an interesting paradox. Gabriel Jeantet, who before the war was a member of the extreme-right, anti-parliamentary terrorist organization called the Cagoule, began working for Vichy and supporting Pétain after the defeat. For this collaboration, he was tried after the war and sentenced to “national indignity.” However, he was also awarded the Croix du combattant volontaire de la Résistance for his role supplying intelligence to the Resistance during these same years. How to explain this curious contradiction? Can such a concept of the Vichysto-résistants be integrated into our understanding of life under occupation? What can the presence of those we categorize as “extreme right” in the ranks of the Resistance tell us about the permeability of lines between resistance and collaboration, the motivations of those who crossed those lines, and the inconsistencies within our narrative of the time?

Deacon’s early chapters show the changing nature of the historiography on collaboration and resistance from the early post-war defense of France as a nation of resisters, to the accusation by American Robert O. Paxton that more French collaborated than resisted, to the more recent studies that have explored shades of gray in between these monochromatic extremes. These latter works have considered internal contradictions, diverse motivations, and conflicting behaviors of those who experienced the occupation. They have acknowledged that living in Vichy or occupied France required a complex and constantly changing negotiation of identities and loyalties. Recent historians have also recognized that this negotiation did not end after Liberation but rather intensified as resisters revalued past behaviors as they constructed the memory and historical narrative of the time. But, Deacon argues, one tendency remains even in the most recent scholarship: the Resistance is understood to be generally motivated by a desire to restore democratic republicanism and, therefore, is a product of left-wing political ideology. The collaborators, on the contrary, were anti-parliamentary, anti-Semitic, and in search of authoritarian government, so their political ideology found fruition in the National Revolution of Vichy and the Nazis. While other complexities were more easily incorporated, the inclusion of the extreme right in the narrative of the resistance was a challenge. “The spontaneous inclination of most researchers,” Deacon laments, “has led them to study the Resistance of the Left, most often found in the movements, leaving the Resistance of the Right and the history of the réseaux poorly understood.”(32) This was in part due to the efforts of the Resistance after liberation to tightly curate its narrative so that it presented a more unified image, which simultaneously solidified the image of the far right as the foundation for Vichy. Deacon rightly does not argue that these right-wing resisters were large in number or that their presence within the ranks of the resisters was not an anomaly. But, she points out that the surprising number who did end up working for the resistance forces us to reexamine our perception of right and left and reveals “valuable things about the political culture that shaped these men and women and the motivations behind their decisions to resist during the war.”(17)

In particular, Deacon focuses on two prewar right-wing organizations whose members

could be found in the ranks of the resistance: the Cagoule and the Corvignolles. Both of these illegal, clandestine organizations were active in the 1930s, were anti-republican and anti-parliamentary in nature- although only the Cagoule envisioned overthrowing the government - and were anti-Semitic and anti-communist. They were also, however, germanophobic, patriotic, and desirous of revolutionary action. One of Deacon's significant contributions here is the insistence that those members of the extreme right who joined the Resistance did not change their political ideology nor did they necessarily feel they had to silence their political opinions while in these resistor networks. It seems, then, the resistance was diverse enough to include participants of all political inclinations. The Vichysto-résistants apparently saw no contradiction in the seeming dichotomy either. Initially, for many of these men, support for Pétain could be reconciled with resistor activity since they adamantly believed in the "double game" myth that Vichy, or at least Pétain, was secretly working to expel the Germans. Although this concept of an official double game within the higher echelons of Vichy has been debunked by many scholars over the past decades, the perception at the time holds more importance here than the reality. Right wing supporters of Pétain and National Revolution through Vichy could simultaneously engage in resistance against the German invader without any sense of conflict. The ongoing justification of Vichysto-résistants after the war indicates an interesting transition for the extreme right who previously had assaulted the Third Republic but who, after the war, emphasized the legality of the Third Republic's vote to create the Vichy government and the duty of French citizens to support it while continuing to resist German occupation. However, while the paradox of support for Pétain and support for resistance may have been accepted during the war, after the Liberation those who did not support de Gaulle were increasingly excluded from the dominant narrative of resisters and support for Pétain was drawn in stark contrast with resistance.

Deacon does a good job of showing a range of characters within these two organizations from Maurice Duclos and Gabriel Jeantet to Georges Loustau-Lacau and Georges Groussard, and the varying ways that their memory has been included in the story of the resistance. However, her case studies tend to be representative only of the Vichy collaborators leaving the Northern half of France under German occupation in the shadows. Were all right-wing resisters found in Vichy or were there those who resisted the Germans from Paris despite retaining their right-wing political ideals? This would provide yet another element of complication since it would include those who did not justify their divided loyalties by equating support for Pétain with support for resistance. In a similar vein, some explanation, perhaps in the section on historiography, of where the Cagoule and Corvignolles resisters fit within the larger concept of right-wing resistance would be helpful. Were there other right-wing figures of the 1930s that participated in the resistance? How might individuals like Emmanuel Mounier, Claude Roy, Claude Mauriac, and Jean Cocteau fit into this complex picture? Exploring these other resisters might also broaden the perspective on motivations for resistance. Deacon rightly argues that we should see motivations beyond patriotism and germanophobia in the choice to resist and includes in her explanation of these motivations other family and social loyalties. Yet these tend to take a back seat when she turns to the case studies of the Cagoule and Corvignolles. While Deacon does emphasize their "goal oriented revolutionary spirit" as a motivation (20-21), the goal in question remains removing the Germans because they are harmful to the patrie as foreign occupiers. As Deacon explains, those who resisted on the right were often more concerned about the external threat of what Germany would do to France than the internal threat of what French communists would do and so they picked the lesser of two evils. (86) Borrowing

a page from Robert Gildea's study of the complex relationships, negotiations, and revaluation of behaviors might help Deacon fulfill more effectively the goals she lays out for revealing the complexity of motivations. Finally, the inclusion of the postwar navigation of the construction of memory and politics from Liberation through the conflict in Algeria is a valuable contribution to our understanding of the French Right during these years, but its significance suggests that it should be given more space and attention than it currently receives.

Despite these quibbles and my personal desire to see the work take on even more challenges, Deacon's work is a valuable contribution to the scholarship on the extreme right and the occupation. She concludes that while most scholars have acknowledged that there are few prewar predictors of the choice to become a resistor or collaborator under occupation, there is still a hesitation to include prewar political activity in this understanding. *The Extreme Right and the French Resistance* does a great deal to correct this mistake by reminding readers that even those who were anti-republican, anti-Semitic, and anti-communist and who chose to defend Pétain and the ideological goals of Vichy's National Revolution could be found in the ranks of the most ardent resisters. Such revelations force us to recognize that people had a range of choices and a range of motivations for those choices. As a result, "the resistance was not the embodiment of everything opposite of Vichy." (181)

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Andrew R. Murphy. *Liberty, Conscience & Toleration: The Political Thought of William Penn* (Oxford: Oxford University Press, 2016), \$78.00, 258 pp. ISBN: 978-0-19-027119-0 (hardcover).

Early U.S. history has no shortage of individuals worthy of attention. From John Winthrop to Thomas Jefferson, these figures loom large over the landscape of American history. Andrew Murphy's *Liberty, Conscience & Toleration* contends that, despite not producing a magnum opus, William Penn was "a significant and sophisticated political thinker worthy of careful scholarly attention by political theorists and historians of political thought" (ix). Penn was at once a Quaker shunning hierarchy and a member of the English gentry; a friend and supporter of James II and a man helping Algernon Sidney obtain a seat in Parliament; a staunch advocate of colonization who spent very little time in his own colony. In teasing out these contradictions, *Liberty, Conscience, & Toleration* asserts that Penn's life and political writings made important contributions to the theory and practice of religious liberty in the early modern Atlantic world. Employing a deep textual analysis of Penn's myriad writings and his attempts to put his theories into practice, Murphy illustrates what set Penn apart "from contemporaries who outlined theories of toleration yet were never forced to grapple with the concrete practicalities of governance" (x). In doing so, he makes an important contribution to the study of political and religious theory amid the colonization of early America.

Divided into eight chapters, Murphy's work chronologically traces Penn's political and religious thinking from the 1670s to the 1710s. Lacking a serious biography, works on Penn often resort to hagiography - a problem often facing works on Quakerism as well. *Liberty, Conscience & Toleration* emerges as a much-needed corrective, and chapter one opens with the call to understand Penn through the lens of Restoration England, as his thinking developed "in the shadow of, and remained closely intertwined with, these two latter Stuart monarchs" (2). The Restoration was a contentious period and debates over toleration unfolded under the specter of the political unrest of the 1640s and 50s. Penn was very much a product of this time, drawing many of his arguments for toleration from his experiences as a religious dissenter while also being shaped by his close friendship with James II. By taking this context seriously, Murphy uses Penn's political and religious thinking as a lens through which we can see the broader development of civil and religious liberty in England and America.

Arguments for toleration during the Restoration stemmed from a fear of Catholic oppression. Chapter two explores Penn's political thinking amid his conversion to Quakerism and the passing of the Second Conventicle Act in 1670. As the public face of Quakerism, Penn stood at the forefront of the efforts to contest the Second Conventicle Act, which imposed fines on individuals attending unauthorized meetings or allowing their homes to be used for "unlawful assemblies." Complicating matters, the Second Conventicle Act passed amid the first Restoration crisis, a protracted set of debates about conscience and toleration, the Treaty of Dover, and Charles II's emerging friendship with Louis XIV. Murphy highlights how this exacerbated concerns about Catholics and their presence in the Stuart court. The ensuing debates saw two factions emerging. Those opposed to toleration, such as Samuel Parker, argued that toleration was politically dangerous and untenable. Penn's counterargument, outlined in works like *Truth Exalted*, excoriated both Catholics and Anglicans for abandoning Christian doctrine. Murphy's efforts to contextualize toleration build on his earlier scholarship and are an important contribution to religious history in early modern England.

With tensions over toleration rising, the arrest of Penn and William Mead in September

1670 afforded Penn the opportunity to author one of his more notable tracts. Chapter three explores Penn's *The Peoples Ancient and Just Liberties Asserted*. Murphy contends that *Peoples* is significant for two reasons. First, it presents a coherent and substantive vision of legislative government. Second, it "communicates political content through a dramatic *enactment* and presents a *performance* of the politics of dissent" (57). His argument that *Peoples* offers "a view of political theory *as* political theater" successfully reflects his efforts to direct scholars towards broader investigations of political power and the interplay of dissent and orthodoxy. In fact, it would be interesting to see Murphy explore this more deeply, particularly in the context of how other religious dissenters grappled with these issues, especially the idea of the ancient constitution and fundamental law. Penn's arrest and the publishing of *Peoples* propelled Penn towards an increasingly public role both among his fellow Quakers and English politicians. By the late 1670s Penn parlayed this prominence, and chapter four illustrates how Penn capitalized on his newfound notoriety. Murphy shows Penn expanding his role as the face of Quakerism, writing about liberty of conscience and good government, and helping Algernon Sidney campaign for the House of Commons. Unlike earlier with the Conventicle Acts, Penn engaged less directly with political issues like the Popish Plot and Exclusion Crisis. Murphy attributes this to the fact that "Penn and the royal family were bound by personal connections" (120). As it turns out, these personal connections were beneficial as Penn became focused on pursuing a royal grant of land in America.

Unlike contemporaries such as John Locke, Penn uniquely put his political theories into practice. Chapter five traces the founding, promoting, and governing of Pennsylvania. Murphy looks at how these theoretical foundations were "evolving and unstable" and worked out "on the ground... in response to the ambitions and contingencies of colonization" (127). Here Murphy draws from a wide range of writings, from Penn's promotional literature to correspondence with prominent settlers. His theory of government drew from his writings in England, experiences in West Jersey, and Whig thinking more generally. Penn emphasized that "governors and governed had a common interest" in preserving rights and defending liberty of conscience (137). Penn promoted his colony both as one grounded in the rule of law and the tradition of consent and English liberties and as an opportunity for settlers seeking prosperity. Economic prosperity, in particular, was important, as he offered "special privileges for those who would shoulder the economic burden" of planting a new colony (139). Murphy carefully outlines the development of Penn's *Frame of Government* and the challenges Pennsylvanians faced in the first decade of settlement.

Chapters six and seven focus on Penn's relationship with James II and the struggles he faced when returning to Pennsylvania as colonial proprietor. Returning to England in 1684, Penn left behind an unstable and fractious political environment in North America in exchange for a prominent role in the court of James II. Here Murphy engages with one of the most challenging topics for scholars of William Penn: resolving his career as a dissenter opposing arbitrary power with his close friendship to James II. Murphy strikes the right balance, illustrating how Penn endeavored to advise James II in his continued pursuit of liberty of conscience. For example, Penn grew deeply involved throughout the spring of 1686 as James both extended protection from penal laws to a number of Dissenters and sent Penn as an emissary to William of Orange. He also worked diligently to repeal the Test Act. Yet, despite emerging as a leading voice for liberty of conscience in the Stuart court, Penn's involvement with James II severely damaged his reputation in England and America after the Glorious Revolution. Continuing tensions between the Upper and Lower Counties, the Keithian Schism, and the royal appointment of Governor

Benjamin Fletcher reflect the challenges Penn faced in the U.S.. When he returned to the colony in 1699, he did so with curtailed authority from the Crown and a colonial assembly wielding their own authority and looking to achieve their own goals. By the time he signed the 1701 Charter of Privileges, Penn was “unable to resist his own settlers” (229).

Chapter eight concludes Murphy’s study of Penn with an attempt to gauge his legacy. While Penn was not, as some claimed, the first hero of American liberty or the philosophical progenitor of the United Nations, Murphy does not deny the growth and success of Pennsylvania—Philadelphia in particular—as an important place in eighteenth-century U.S. history. Unlike many of his contemporaries, Penn had direct experience with practical politics and institution building. Murphy makes a compelling case that the founding of Pennsylvania provides a different type of political theorizing that merits more attention. When considering the legacy of Penn and Pennsylvania, he touches on commercial interests and the imperial contexts in England. Given his initial calls to broaden the context in which we understand Penn, leaving the matter of commercial interests and the British imperial system to the conclusion is puzzling. One might wonder how Penn’s complicated relationship with slavery fits within Murphy’s analysis, particularly since Quakers wrestled with the morality of slavery so directly throughout the eighteenth century. So, too, would this monograph benefit from a more rigorous engagement with Quakerism and religious dissent, especially given the contentious nature of liberty of conscience and fundamental law even among dissenters. Ultimately, Murphy fairly notes that, while not profitable for Penn, his colony was immensely profitable for others and became a locus for important political thought in America. In doing so, Murphy makes a strong and important case for renewed attention on William Penn and his important contributions to political and religious theory in the early modern Atlantic.

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Neal G. Jesse and John R. Dreyer. *Small States in the International System: At Peace and at War* (Maryland: Lexington Books, 2016), \$85.00, 196 pp. ISBN: 978-1-498-50969-5 (hardback).

The key purpose of *Small States in the International System* is to test three of the more common theories of foreign policy formation (realism, domestic theory, and social constructivism), specifically in small states. Jesse and Dreyer ask whether, and to what extent, these theories accurately account for small state foreign policies. Their work is a significant contribution to the discipline of small state studies and the wider discipline of international relations in three ways. First, much of small state literature either jumps automatically to realism as a theory in which to couch findings, or argues that realism should be disregarded in favor of social constructivism. Jesse and Dreyer's findings, on the other hand, suggest that the study of international relations, and especially small state studies, is so complex that we simply cannot disregard either of these approaches. Both approaches add something to the discipline and, depending on the case study, both can provide valuable insight into understanding small state foreign policy. Second, Jesse and Dreyer's research, including the wide variety of cases they engage, provides valuable launching points for a myriad of research projects going forward. Their cases and findings could easily be segued into research about additional states and additional situations. Third, even though realism and social constructivism appear to be more adept at accounting for small state foreign policy, Jesse and Dreyer illustrate that other approaches/theories are not to be readily disregarded. For example, though domestic theory appears much less applicable in these cases, it still had some explanatory capabilities, suggesting that the discipline would do well to venture outside the realism and social constructivism boxes. *Small States* shows that other approaches are certainly worth engaging.

The first three chapters lay out the theories and present what the reader can expect from small states if the theories are accurate. For instance, realism anticipates that small state foreign policy will change in response to changes in the international situation. The theory of realism assumes that states cannot trust each other and small states (being small/weak) have the most to lose in the event of any significant international structural change. To mitigate any losses, their foreign policy options are limited to aligning with stronger state(s), either balancing *against* a threat or bandwagoning *with* the threat. On the other hand, domestic theory predicts that small state foreign policy will change in response to changes in the domestic situation. Domestic theory assumes that competing factions within a country have different foreign policy objectives in line with the needs/interests of their constituents. As such, foreign policy will change when/if the domestic political situation changes. Finally, social constructivism predicts that foreign policy will hold constant despite changes in the international or domestic situation. Social constructivism assumes that foreign policy is built to reflect norms and values shared across society. Thus, foreign policy should not change (at least, not drastically) regardless of changes in the international or domestic systems. It should hold, to a large extent, constant.

With these expectations delineated, Jesse and Dreyer analyze several small states' responses to potential military threats. Their first five cases—Switzerland, Ireland, Belgium, Netherlands, Norway—highlight the formation of neutrality as a societal norm which then informed neutrality as a formal foreign policy. All five states declared neutrality during World War I and/or World War II. In the cases of Switzerland and Ireland, neutrality paid off and they remained unoccupied for both wars. In the case of Belgium, Netherlands, and Norway, however, neutrality was violated during World War II and they were each occupied by Nazi

forces. However, their occupation does not change the fact that they declared neutrality despite vast incentives to balance or bandwagon. Consequently, all five cases illustrate foreign policy formation as a result of norms rather than as a result of changes in domestic or international political structures, suggesting, in these cases, that social constructivism is a much more accurate predictor of small state foreign policy.

The next case, Finland, is similar in that the country faced threats from much larger states (Soviet Union and Nazi Germany), but differs in that neutrality was not necessarily a societal norm. Rather, Finland declared neutrality leading up to World War II as a matter of placating both large states. In the end, Finland and the Soviet Union engaged in the Winter War, during which Finland lost considerable land to the Soviet Union but was “allowed” to remain neutral for the remainder of the war (a neutrality that continues to this day). Unlike the previous five cases, Jesse and Dreyer suggest that realism, domestic theory, and social constructivism all have something to say about Finland’s case. Balancing and bandwagoning were not options, so neutrality was the best (and only realistic) option available. Some domestic factions favored war and got it, while others favored neutrality and got it.

Whereas the first six cases pit small states against large states, the following three cases—the Third Indo-China war between China and Vietnam, the Ogaden war between Ethiopia and Somalia, and the Chaco war between Bolivia and Paraguay—pit comparatively small states against other small states. In all three cases, foreign policy was influenced primarily by changing international situations. China and Vietnam fought over perceptions of Soviet involvement in Asia. Ethiopia and Somalia responded to the U.S. pulling support from both states, and both states then vied for Soviet support. Finally, Bolivia and Paraguay fought primarily over a piece of land that both claimed and that both believed held valuable resources, which, sadly, was not true. In all three cases, changes in the domestic political situation were a minor factor in foreign policy formation, while there was very limited evidence suggesting societal norms influenced foreign policy. Thus, realism is a much better indicator of foreign policy while domestic theory and social constructivism had only limited (if any) value.

In short, Jesse and Dreyer’s findings provide compelling evidence for when realism can account for small state foreign policy, when social constructivism is a better approach, and when there is overlap. To point, realism seems much more able to account for small state foreign policy when belligerents are similar in size, while social constructivism seems more accurate when the threatening state is much larger. At the same time, their findings suggest that domestic theory is limited compared to the other two theories.

Ironically, their engagement of domestic theory is also the focus of the book’s primary shortcoming. Jesse and Dreyer set themselves a tall order in trying to differentiate domestic theory from social constructivism. This is because the expectations of both theories (found on page 52) overlap extensively. For example, both theories expect states to respond slowly to changes in the international system, and both indicate that norms/interests will be developed largely internally. Additionally, some of their expectations do not clearly line up with the theory to which they ascribe that expectation. For example, while domestic theory expects small states to appeal to international laws and organizations, the cases in the book suggest that states appealing to international law, especially laws on neutrality, is evidence of social constructivism. And, indeed, considerable social constructivism literature suggest that states will appeal to international law and organizations to uphold their norms and interests. Furthermore, in a few chapters, domestic theory receives a very cursory look (in some cases because of lack of data, which Jesse and Dreyer accurately point out) while realism and social

constructivism receive the lion's share of the attention, almost as though domestic theory is an afterthought. In short, because the expectations between the two theories overlap extensively, because the book's findings suggest an overlap in so many cases, and because domestic theory is not examined as thoroughly as the other two theories, Jesse and Dreyer ought to make a much clearer distinction between expectations or, more practically, leave out domestic theory entirely.

Finally, the trajectory of the book lends itself to a variety of possible future research projects, two of which are outlined below. First, more research can be done on small states not facing military conflict, but still facing some other type of political shift. For example, how will small states respond when faced with external economic pressure, or global pressure to change their behavior toward domestic minority groups such as race/ethnicity or religious groups? Second, building on the broad conclusion that behavior depends on the size asymmetries between would-be belligerents, there is room for research on the behavior of societal groups within states. For example, how can we expect race/ethnicity or religious groups to behave when threatened by other domestic race/ethnicity or religious groups? Would realism still be able to account for their behavior when facing an opposing group of equal size? Would they cling to their norms and identity when facing threats from a much larger group? And, what should we expect when they feel threatened by a smaller group?

Overall, *Small States* is refreshing and a true joy to read. With a few exceptions, small state research over the past 10-20 years seems to simply stew in its own juices. Though cases may change, approaches, theories and findings are quite constant. Jesse and Dreyer break that mold by providing something outside the box, fun to read, and productive to small state studies going forward. I highly recommend it to anyone engaging with small states in the international system.

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Cornel Ban. *Ruling Ideas: How Global Neoliberalism Goes Local* (New York: Oxford University Press, 2016), 17.89\$, 312 pages ISBN: 978-0190600396 (paperback)

*Ruling Ideas* is a timely and powerful intervention in studies about late capitalism, international political economy, European political institutions, the 2008 financial crisis, and the history of economic ideas. It aims to provide a comparative study of how global neoliberal ideas emerge and go “local” by examining economic systems in Spain and Romania, two countries that have not been given much attention in existing scholarship, but which present a complicated and fascinating history of importing “global neoliberalism.” Ban’s first important contribution is to the vast literature about “neoliberalism,” by which he defines “a set of historically contingent and intellectually hybrid economic ideas and policy regimes derived from specific economic theories whose distinctive and shared goals are the following: make economic policies have credibility with financial markets, ensure trade and financial openness, [and] safeguard internal and external competitiveness” (p.10). Ban adopts a historical sociological method in order to answer his main questions: 1) How neoliberalism emerges locally; 2) How it consolidates; and 3) How it changes and adapts to various crises. The book’s claim is that this method can better illuminate mechanisms and paths to labor economics policies, and it represents a critically-oriented methodology of political scientists who deploy “deep” case studies and network theory against quantitative-oriented analyses.

With *Ruling Ideas*, Ban’s intention is to analyze and differentiate between two types of neoliberalism, a moderate version, “embedded neoliberalism,” and its radical opposite “disembedded neoliberalism.” His analysis focuses on showing that these two types of neoliberalism emerged according to two key factors. The first factor is that the neoliberalism depends on the relationship between its global articulation and local translators, whom are key players in how ideas become policies. The second factor is that national policies are based on institutional strength and the exposure of domestic policy to international coercion. The embedded neoliberalism, which the author finds in Spain, is a hybrid of Anglo-American market-driven ideas and policies combined with Keynesianism, which results in a mixture of deregulation, privatization, and macroeconomic orthodoxy with progressive taxation, robust public services, and broad public investments. In 2008, this specific hybrid allowed Spain, then led by a Socialist government, to launch a stimulus package that was three times bigger than Germany’s and almost twice as large as the United States’ package (p.183). The Spanish response derives from the exposure of some local actors to a Keynesian training in economics and the capacity to refuse the coercion of European institutions such as the European Commission (EC) and the European Central Bank (ECB). Unlike the Spanish, the Romanian adaptation of neoliberalism, disembedded neoliberalism, is an Anglo market-driven version of economic ideas stripped of any Keynesian arguments, because it lacks any positive role for the state to protect society against market. The radical market orientation of Romanian politics, which emerged after the 2000s and was built on the philosophy of a flat tax system, led to the initiation of high cuts into social spending in response to the 2008 financial crisis, a move Ban calls “outliberalizing the Troika” (p.230). This economic and political philosophy initiated what Ban calls the largest migration wave inside the EU, because a third of the Romanian labor force emigrated since the end of the 1990s (p.68). The Romanian response to the 2008 crisis depended heavily on the training of experts, whom were professionalized to mainstream neoliberal economics in short academic stints, and high exposure to the coercion of EC and ECB.

The book is organized into four parts, each helping to make the case about the two distinct types of neoliberalism. Part one, *Varieties of Neoliberalism*, gives us the disciplinary stakes of making this intervention. Within current scholarship the study of neoliberalism and its forms has generally followed two methods. On the one hand, there are rational choice studies that focus on rational actors without taking into account historical processes of emergence, and on the other hand, there are studies that talk about neoliberal hybrids without analyzing their contingent formation and survival mechanisms. Part one also offers two historicized narratives: a first chapter about how policy makers and experts forged “an embedded hybrid” in Spain in the 1980s and 1990s, and a second one that traces the changes in Romanian economics from “developmentism” in the 1990’s (a hybrid that combined social democratic elements with neoliberal models) to “radical neoliberalism” (market-maximization policies and generous regulatory and tax rents for foreign and domestic capital).

Part two, *The Weight of the Past*, pushes the argument in a deeper historical mode so that we learn about current economic developments by looking at the history of Spain’s Keynesianism, the experts who brought neoclassical economics to Spain in the 1970s, the academic networks responsible for various moves to support or depart from neoclassical models, and the international diffusion of ideas. If neoliberal politics has deeper roots in Spain, neoliberal policies were not a good match to socialist politics. Conversely, actors who contributed to the development of neoliberalism in Romania are fairly recent, and they emerged primarily due to what Ban calls “a race to shock therapy” (p.130). The book is perhaps at its best in its powerful and detailed analyses of different historical and intellectual junctures, which draw on a strong knowledge of national politics both in Spain and Romania.

Part three, *Neoliberalism Across Borders*, gives us a fascinating story about how neoliberal economics were diffused through international and academic networks, and Ban’s charts offer a compelling story about who’s who in the elite of political decisions according to their institutional affiliations and training. The author achieves a powerful contrast by juxtaposing the academic affiliations of top Spanish economists (p.137) with those economists who sought hard neoliberalism in Romania (p.161), and it helps him made the case about the distinct types of neoliberal policies.

Finally, part four, *Neoliberalism’s Resilience since the Great Recession*, offers a deep reading of the political responses of the 2008 crisis, and here the Ban’ concepts are sharply mobilized to think through the contingencies of the political dynamics. While some studies offer analyses that primarily focus on national politics, Ban shows that the recalibrations of neoliberal policies depend on power differentials and primarily on what the EC and the ECB wanted from Spanish and Romanian politicians. Ban contends that the Spanish responses to the 2008 financial crisis were not only temporarily different but also essentially unlike the Romanian case, and that these responses are shaped by a different set of structural conditions.

If *Ruling Idea’s* strength lies upon its strong theoretical and methodological framework, the parts that are less convincing stem from the study’s unexamined relationship to previous scholarship. For instance, Ban criticizes studies that conceptualize neoliberalism as a unidirectional process (such as, from global sources to their local translated versions), yet, the book works with a similar assumption. “Local” versions of neoliberalism, however, serve also as points of inspirations for their “sources” (e.g., president George Bush praised the Romanian flat tax as a model that the US needs to aspire to). *Ruling Ideas* would have benefited from a less single direction model of translation which could have offered a complex story about the various directions of neoliberal “travelling.” Also, a strong embrace of studies that describe

Romanian socialism as “national stalinism” led to ignoring how legacies of the past served as a resistance to neoliberal ideology. Because of its immersion in the “national stalinism” paradigm, the study refrains from investigating Keynesianism’s role in shaping the policy of Romanian socialists. In this regard, a comparative analysis of Romania’s 1980s relationship to IMF and Spain’s 1980’s attitude towards mainstream neoliberalism would have sharpened the thesis about neoliberalism having “shallow” roots in Romania as opposed to “deep” roots in Spain. Furthermore, the contrasts that Ban seeks to show are not as sharp as he wants them to be. For example, he argues that the prime minister’s Mariano Rajoy team and his team of economists refrained from framing austerity measures by appealing to morality tales about the parasitic nature of social benefit recipients and public-sector workers (p.207). The author mobilizes this contrast to emphasize the radical nature of neoliberal rhetoric of the Romanian president, Traian Băsescu, and his team of economists. Ironically, Ban titles his discussion “Prussia of the South,” which is in itself a trope that is deployed by conservative Spanish politicians to separate between lazy Spaniards (read “the poor and the vulnerable”) and hard-working Spanish people (read “the upper-class”). During the imposition of the austerity measures, the *Partido Popular* used an aggressive campaign to justify cuts in social benefits on the grounds that Spanish people need to become as financially sound and “frugal” as Germans, which qualifies the author’s contrast between the two cases.

Ultimately, *Ruling Ideas* is a solid book which offers two strong case studies that describe various junctures in which neoliberal ideas and policies emerged and were negotiated by local actors. The book will be of interest not only to experts in comparative politics and European politics, but also to critical theorists interested in diffusion of ideas, network analyses and deep historical investigations.

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Mechele Dickerson. *Homeownership and America's Financial Underclass: Flawed Premises, Broken Promises, New Prescriptions* (New York: Cambridge University Press, 2014), \$40.99, 284 pp. ISBN: 978-1-1076-6350-3 (paper).

The notion of the American Dream is embedded in an unwavering ideology that affirms homeownership to be the pinnacle of success. In *Homeownership and America's Financial Underclass: Flawed Premises, Broken Promises, New Prescriptions*, Mechele Dickerson tracks the government's involvement in the housing market from the Great Depression to the Great Recession and analyzes both formal and informal policies. The book maps the shifting importance of homeownership, including its increased usefulness as a marker of familial and personal achievement. Highlighted are the benefits and the consequences of owning a home; Debunked are the myths of the "Happy Homeownership Narrative." In turning our attention to the demonized financial underclass—those who are economically incapable of owning a home—Dickerson argues that it is high time that we shift the discourse from one that idealizes homeownership to one that advocates for affordable housing for all.

The first two chapters of the book outline the assumptions surrounding homeownership. Dickerson examines the major assumption that homeowners are more responsible and more likely to be invested in their communities than those who rent their residences. Those who buy into this narrative, too, believe they will be happier if they own their own space, that housing prices will always appreciate, and that their children will academically outperform children who grow up in rental housing. Thus, many of these neighborhoods are equipped with Homeowners Associations that control the politics and the makeup of the community.

Next, Dickerson provides an overview of formal policies that shaped the current housing market and that aided many in becoming homeowners. Here, she reveals that the "U.S. government began to actively participate in mortgage finance markets during the Great Depression. In 1934, the U.S. Congress passed the National Housing Act of 1934, which then established the Federal Housing Administration and allowed the government to insure mortgage loans. As a result, private mortgage insurance companies largely disappeared until the 1970s. When housing prices increased significantly during this decade, the government again intervened by incentivizing financial institutions to originate more loans including those to low- and moderate- income earners.

Next, Dickerson turns our attention to 2008 economic crash, the damage caused to homeowners, and how the Great Recession showed the many cracks embedded in the "Happy Homeownership Narrative." Dickerson argues that the Clinton and Bush administrations exacerbated the recession by providing lenders with the more flexibility in the loan process. Subprime loan originations skyrocketed when lenders pushed risky loans onto potential homeowners, even those who qualified for prime loans with fixed-rate mortgages and especially low-income earners. At the same time, prospective homeowners were no longer required to put a 20% down payment, rather they could put down as little as nothing (and many did). Even more, buyers who were unable to afford homes still choose to purchase residences because they believed that housing prices would always appreciate. The Great Recession proved many of these beliefs untrue. It left millions in debt and unemployed while others had no choice but to walk away from their homes and the potential to buy a home in the future. Here, Dickerson shines as she examines the actions of proprietors.

In chapters seven and eight, Dickerson exposes the realities that potential Black and Latino homebuyers historically face when trying to purchase a home. While campaigns and

movements emerged after World War II that encouraged U.S. citizens to purchase homes rather than to rent, nearly all of these efforts were made or re-made to benefit whites. Joining in a rich literature on the topic, Dickerson discusses the harmful impacts of redlining, steering, blockbusting, suburbanization, and White flight. She extends the timeline into the 1990s and the 2000s, when there was finally a push to extend loans to more Black and Latino low-income earners. Unfortunately, these groups became the biggest targets of subprime loans.

Dickerson dedicates the final two chapters to an examination of the educational and income disparities that lead to the racial wealth gap, which continues to maintain the racial homeownership gap. For the past thirty years, income has remained stagnant for low-wage workers. In fact, from 1979-2007, the bottom 20% of income earners have seen their wages go up only 18% compared to the top 1% of income earners, who have seen their wages rise an increase of 275%. These gaps make it nearly impossible to save and to afford a home.

*Homeownership and America's Financial Underclass* is convincing in its call for a more accurate and realistic narrative concerning homeownership. Dickerson suggests that this discussion: 1) account for the real consequences and risks associated with homeownership for low-income earners and for People of Color, 2) grant attention to how high-income buyers often purposely choose neighborhoods that actively continue to resist diversity, and 3) contend with the various ways that homeownership impacts educational opportunities for many communities. Dickerson is speaking to many parties. She rightfully calls on lawmakers to emphasize affordable housing rather than homeownership and suggests that renters be awarded tax credits or have a part of their rent stored as an additional savings comparable to that of a 401(k). Finally, she calls out of all readers realize and to believe that renters are more than capable of being happy citizens and she warns those who desire homeownership to increase their financial literacy as well as their knowledge of the nation's past in determining how could own homes and at what cost. With *Homeownership and America's Financial Underclass* as a foundation, we are one step closer to debunking the "Happy Homeownership Narrative" and becoming better advocates for affordable housing for all.

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# **INVITATION TO THE SCHOLARLY COMMUNITY**

**The *National Political Science Review* (NPSR)  
Invitation to the Scholarly Community**

The editors of the *National Political Science Review* (NPSR) invite submissions from the scholarly community for review and possible publication.

The NPSR is a refereed journal of the National Conference of Black Political Scientists. Its editions appear between two and three times per year and comprise the highest quality scholarship related to the experiences of African-Americans in the American political community, the African diaspora in the Western Hemisphere, and on questions of Black Politics globally. It also focuses on the international links between African-Americans and the larger community of nations, particularly with Africa.

Among the more common areas of research, which the NPSR considers for publication, are those typically associated with political theory and history; gendered politics; diasporic and internationalist movements; political behavior and attitudes; the performance of political institutions; the efficacy of public policy, interest groups, social movements; interethnic coalition building; and theoretical reflections that offer insights on the minority political experience. On the basis of recent interest, the NPSR also considers work on the role of culture in politics.

Manuscripts should be submitted in the following format. Submissions should follow the style conventions of the *American Political Science Review* (APSR). The journal Style Guide is available upon request. Two copies of the submissions should be conveyed electronically to the editors at the e-mail addresses listed below. One copy of the submission should include author information comprising the name that will appear in the published version along with author institutional affiliation and e-mail addresses. The other copy should delete author information from the title page. Please indicate the lead author in cases of multiple authors. Manuscripts should not carry footnotes at the bottom of the page but should be inserted as endnotes. They should not exceed thirty typewritten pages; should be double-spaced, inclusive of notes and references; and should be prepared and sent to the editors in the Microsoft Word format. Graphics should be done in grayscale rather than in color.

Manuscripts are reviewed on a rolling basis. Further queries about the NPSR as well as submissions may be addressed (e-mail only) to the editor at:

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