LIBERAL RACISM

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CHAPTER 3

VOTING WRONGS

◆ Losing Faith

"It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote," Lyndon Johnson told a joint session of Congress on March 15, 1965, following a week of interracial marches led by blacks whom Sheriff Jim Clark had barred from registering at the courthouse of the old Alabama plantation town of Selma. Invoking the nation's "outraged conscience" after Clark's deputies and state troopers assaulted the marchers—among them a quiet, intense seminary student named John Lewis—Johnson said that it was time to overcome a "crippling legacy of bigotry and injustice." Then the president paused, looked up from his text at Congress and seventy million television viewers, and said—evenly, firmly, in his West Texas accent—"And we *shall* overcome."

Amid the long congressional ovation, some of the segregationists in Johnson's audience, such as Senator Strom Thurmond from South Carolina, sat stone-faced, their hands unmoving. "Watching the speech from Jean and Sullivan Jackson's living room in Selma, Martin King was overcome by emotion," writes David J. Garrow in his book *Bearing the Cross*. "His colleagues and friends had never seen him cry before. 'Tears actually came to Dr. King's eyes when President

Johnson said, "We shall overcome," ' John Lewis remembered. Never before, in nine years' time, had the movement received the breadth of national support, and the strength of federal endorsement, that this week had witnessed."

No one knew better than King that blacks could not hope to exercise the rights guaranteed them by the Fifteenth Amendment without the help of new laws, court rulings, administrative regulations, and enforcement by federal marshals and troops. Yet King knew, too, that something essential to blacks' vindication couldn't be legislated, mapped, or enforced: the strangely vulnerable faith he and millions of Americans shared with Johnson. If one believes that power belongs ultimately to ordinary people who are free to choose leaders and policies in the uncoerced privacy of voting booths, then one's only reliable support for that belief is what the historian Fred Siegel calls "the politics of persuasion," which instructs and moves people through cogent arguments and moral witness instead of manipulating or ordering them around. A politics of persuasion alone can't win justice, but, without it, freedom cannot exist.

In Siegel's view, liberals have stopped talking to the American people and fled to the courts and, I would add, to a moralistic journalism that censures "bad" thinking rather than persuades. Thirty years after Johnson had spoken, Newt Gingrich stood at the same podium, delivering his "inaugural" address as Speaker of a new Republican-run House of Representatives, and he surprised many by drawing his colleagues into an ovation to liberal Democrats and the civil rights movement: "No Republican here should kid themselves about it; the greatest leaders in fighting for an integrated America in the twentieth century were in the Democratic Party. The fact is, it was the liberal wing of the Democratic Party that ended segregation. . . . And the fact is, every Republican has much to learn from studying what the Democrats did right."

This time, it was liberal Democrats like Kweisi Mfume of Maryland and Nydia Velazquez of New York who sat stone-faced, their hands unmoving, looking for all the world as if they thought Gingrich's tribute a subtle ploy to divide his

national audience by reminding whites whom to blame for color-coding politics. His subtext: "Thanks to you liberals, we can now transcend you and carry on your work at a higher level." For Gingrich, that "higher level" consisted not of more civil rights legislation, rulings, and enforcement, but of freer markets, which he believed would sweep away cobwebs of color and caste and stimulate the enlightened self-interest that sustains free communities and free selves.

The Speaker's unspoken point was that because liberals didn't understand this, they were compounding racial divisions they meant to heal and thickening cobwebs of suspicion they meant to dispel. "He's really tweaking liberals for being less committed to integration than *he* is," said a conservative acquaintance of mine, watching the speech. "What he really means is that Republicans should study what liberal Democrats did *wrong*."

How had it come to this? Gingrich was at that podium in no small part because liberals had led in amending Johnson's original Voting Rights Act to intensify racial congressional districting, laying the groundwork for their own isolation and defeat. In order to produce more black and Hispanic Democrats like Mfume and Velazquez, the new districting plans packed minorities more tightly into "their own" districts. But doing this had the effect of whitening the neighboring districts, depriving incumbent white Democrats of reliably Democratic nonwhite voters and strengthening Republican challengers, enough of whom won to help the GOP take over the House. Liberals who seemed programmed to view these Republican victories as racist couldn't acknowledge, much less interpret, the fact that, after thirty years of liberal-led struggles to "overcome," the only two black members of the House that Gingrich was addressing who represented majority-*white* districts were *Republicans*—J. C. Watts of Oklahoma and Gary Franks of Connecticut. No liberal commentator, activist, advocate, or politician took note of this anomaly.

The story of how liberals blundered on voting rights is a wonderfully instructive parable of their noble beginnings and subsequent bad faith on many fronts touching race. It shows

how racialist thinking, ethnocentrism, leftist ideology, moralism, and rank political opportunism have too often ganged up on the politics of persuasion, producing bad public policy and stifling the freedoms they claim to advance. Equally instructive is the story of liberal denial about the damage racial districting has done.

◆ From Empowerment to Apathy

After 1965, liberals made many precedent-setting revisions to voting rights legislation and jurisprudence, each well-intentioned, even imperative in its time. But the racial battle lines that evolved wouldn't have become so entrenched had liberals been smarter practitioners of the politics of persuasion. As voting rights activists tested the outer limits of liberal racism, they revealed a shocking misunderstanding of liberal democracy.

At first, the 1965 Voting Rights Act (VRA) made even segregationists like Strom Thurmond more responsive to blacks. Although he refused to applaud Johnson's speech, Thurmond began hiring black congressional staff as black enfranchisement grew, and he serviced his black constituents assiduously enough to win their support at the polls. The VRA also helped to increase the number of black elected officials nationwide, from fewer than 100 in 1965 to more than 2,500 today, by some counts. Most of them were chosen by heavily black electorates in local contests for lower offices. But the VRA helped to change white voters' attitudes, too: In 1966, Massachusetts's electorate, 80 percent white, made Edward Brooke the first black U.S. senator since Reconstruction. Herman Badillo won the Bronx borough presidency in New York City, also in 1966, when only 10 percent of Bronx voters were Hispanic. In 1972, Andrew Young was elected to Congress by a mostly white district in Atlanta. On similar terms, millions of white voters have since made L. Douglas Wilder the governor of Virginia, seat of the old Confederacy; Carol Moseley-Braun a senator from Illinois; a dozen blacks statewide officials in nearly as many states; another dozen the mayors of majority-white cities; and yet another dozen members of Congress from majority-white districts.

Still more to its credit, the original VRA curbed discriminatory racial districting. In such actions, politicians who belong to the party in power in a state often "gerrymander" its district lines into convoluted shapes to increase their partisan strength, packing loyal constituent groups into certain districts and removing them from others. Race has no appropriate relation to such partisan line-drawing, for individuals can change their interests, views, and political loyalties without changing the colors of their skins. For example, in the 1930s, blacks made a mass exodus from the party of Lincoln to the party of Franklin Roosevelt. But, back then, even in "liberal" states such as New York, blacks' conversion from Republican to Democrat didn't necessarily endear them to white Democrats, who tried to co-opt their votes with fine phrases and patronage crumbs, but kept shifting them around among districts to keep them from electing black Democrats.

Quite properly, the Voting Rights Act disrupted such hypocrisy. Enforced through bold, arduous litigation, it stopped district-line drawers from dispersing bits of otherwise coherent minority communities among mostly white districts in order to deny blacks homegrown representation. Thanks to a 1967 suit, for example, a long-standing concentration of black neighborhoods in Brooklyn, New York, whose potential clout had been parceled out among several mostly white congressional districts, was consolidated into one district that sent Shirley Chisholm to Congress the next year. The VRA made the bosses acknowledge that, whether through *de facto* segregation or voluntary affinity, a large black community did exist; that it encompassed several school districts, police precincts, and other jurisdictions; and that, like any other geographical community of whatever color (or mix of colors), it had a right to send one of its members to Congress. VRA suits also stopped bosses from changing the mechanisms for electing county commissioners and city councilmembers from district-based to at-large elections, which, in majority-white

jurisdictions, kept minority-black voters from electing anyone of their own race.

But here we approach the line that liberals unwisely crossed. Despite dramatic black electoral gains under the Voting Rights Act, many activists, advocates, and journalists decided that whites' perceptions and interests would remain so irreconcilable with nonwhites' that few whites would ever vote for blacks or Hispanics. Therefore, they insisted, nonwhites' right to vote could be exercised meaningfully only if they were "empowered" to vote *en bloc*, as members of "protected" racial classes, in districts drawn to elect blacks or Hispanics. "That's an incredible expansion of the meaning of the right to vote," notes Abigail Thernstrom, author of *Whose Votes Count? Affirmative Action and Minority Voting Rights*. It was also an incredibly blind move toward what David Garrow calls "the unspoken assumption that black empowerment is a zero-sum game" against whites and that "justice means proportional representation by race."

None of this was envisioned in the original VRA. While it insisted that line drawers respect existing communities enough not to disperse their votes, it never confused defending the right to vote with presuming that blacks and Hispanics had an inherent need, and therefore a special "right," to elect candidates from racial groups to which all of them were presumed to belong politically. In states with long histories of segregation, blacks might indeed share many interests regardless of where and how they lived, and regardless of whether legal segregation had been abolished a few decades earlier. Yet some states' black populations were spread too thinly to form geographical communities. Worse yet for proponents of such racial communities, in 1980 the Supreme Court raised the standards of proof that district-line drawers who didn't create "black" or "Hispanic" districts were discriminating racially, not just gerrymandering for traditional, partisan reasons.

So, in 1982, liberal voting-rights activists and legislators amended the VRA to expand remedial racial districting. The motive was noble but the method mistaken: Instead of requiring proof that line drawers had intentionally discriminated, the new criteria measured a districting plan's fairness by comparing the proportion of a state's elected nonwhites to the proportion of its nonwhite residents. And instead of merely thwarting the backroom racial gerrymandering that had denied a community like black central Brooklyn the chance to send one of its own leaders to Congress, the amended VRA in effect told states whose numbers of black and Hispanic officials weren't proportionate to their black and Hispanic populations that they must actually create convoluted districts to produce officials of the right colors. Instead of just preventing racial gerrymandering, the new VRA, as interpreted by courts and enforced by the Justice Department, virtually ordered more of it for "protected classes," no matter how far apart from one another they lived and no matter how different their circumstances.

To satisfy this notion of "empowerment" by skin color or surname, the new districts resembled wild ink spills. In most states, Democratic-controlled legislatures did the redistricting, often making the new majority-minority districts even more convoluted than they had to be to satisfy the VRA; their partisan purpose was to keep *some* blacks and Hispanics in neighboring white Democrats' districts and give them an edge against Republican-leaning whites. The most telling objection to the new, tentacled districts wasn't that they were aesthetically displeasing; it was that they violated every notion of community except a racialist one.

New York City's new "Hispanic" congressional district, for example, created during the 1992 reapportionment, jumps from lower Manhattan across the East River to Brooklyn, and then runs overland for miles along corridors only a few blocks wide into Queens—all to connect dissimilar Hispanic enclaves. Dubbed "the Bullwinkle district" because of its shape, the 12th Congressional District's boundaries separate mothers on welfare in heavily Puerto Rican high-rise public housing projects on Manhattan's Lower East Side from mothers on welfare in similar but blacker projects nearby, in order to link the Puerto Ricans to working-class Mexican and Dominican immigrants in Brooklyn and to South American immigrant

homeowners in leafy neighborhoods in Queens. The district slices through moderately integrated neighborhoods to create an empty ethnic solidarity for people who have neither demanded it nor mobilized for it.

In the late 1970s, I ran a newspaper in Brooklyn's Williamsburg section, a gritty, polyglot area of Polish and Italian Americans, Orthodox Jewish Hasidim, and Dominicans and Puerto Ricans. The 12th District's boundaries now slice through that area to embrace only the Hispanic enclaves. At meetings of the community planning boards and hospital advisory groups where federal programs, services, and regulations are addressed, the Hispanics in the room now have one member of Congress, many of the whites another. Even as such districting intensifies racial discord, a majority-minority district created this way ensures its own voters' apathy by taking in portions of so many different school districts, police precincts, and local election districts that its representative in Congress cannot respond to them well.

This is not "empowerment"; it is an evisceration of civil society and local democracy in the service of an ideology that only a racist could endorse. So thought a plaintiff against the 12th District, Angel Diaz, who handles patient accounts at a hospital in the area. Diaz didn't feel empowered at all by the new district—and not just because he was the Republican who had run against Velazquez in 1992. "It's irresponsible to the American way of life to tell me I must agree with [the district's defenders] because I'm Puerto Rican," he told me. "By cutting up my neighborhood, they left out some buildings where I lived for twenty-seven years. So my friends there—a few are Italian Americans—couldn't vote for me." The suggestion, aired in a *New York Times* news story, that Diaz might lack standing to sue because he was Hispanic reflected racial groupthink at its worst—unless one compared it to what a *Times* editorial said on December 24, 1994, when majority-black districts in North Carolina were invalidated after challenges by *white* resident plaintiffs: "There is no shortage of people who want to block minority districts; their perverse argument is that whites are the real victims of racial redistricting, and some courts are buying it."

The *Times* missed the point: While the law does constrain a plaintiff to show that he or she has been harmed, it is civic virtue, not racial self-interest, that makes suits against these districts legitimate. Ironically, and even more perversely, when white Hasidim sued to abolish another majority-Hispanic district in Williamsburg in 1975, a more liberal Supreme Court found that, as whites, they had no standing because white members of Congress from districts nearby would represent them, even though the plaintiffs couldn't vote for them.

In 1992, the newly drawn 12th District elected Nydia Velazquez, whom we saw earlier refusing to applaud Gingrich's "inaugural" address two years later. A native of Puerto Rico, she had worked for five years as its government's liaison to Puerto Ricans in the United States, winning recognition in what would become the 12th District by running an Hispanic voter registration campaign financed by the Commonwealth of Puerto Rico. Velazquez spent so much time in such work that, in 1992, she spoke English poorly and seldom appeared on English-language programs. She has been reelected twice since then, but with the lowest voter turnout of any congressional district in the United States.

There is a double irony here: Under the VRA, the Justice Department had found two reasons to assume jurisdiction over the area in which the 12th District was later created. Ballots were not being provided in Spanish, and voter turnouts were low, supposedly reflecting line drawers' failure to empower Hispanics. But when Spanish-language ballots were readily available, and when the 12th was created under what a federal court would later call "misguided and unlawful instructions of the Department of Justice" that segregated Hispanics like Diaz from their immediate, non-Hispanic neighbors, turnout plummeted even further. In 1996, approximately 64,000 people voted in Velazquez's race, giving her 84 percent of the vote. Next door, in a redrawn version of the old Chisholm district, whose long-standing black community was represented by Major Owens, almost 90,000 people voted, even though Owens's assurance of reelection was even greater than Velazquez's. To the south, in a whiter district represented by Charles Schumer, the turnout was 129,000. Nationwide, the

average congressional district turnout in that election was nearly 200,000. The Puerto Rican Legal Defense and Education Fund claims that low turnouts in the district reflect the high proportion of noncitizens, non-English-speakers, poor single mothers, and children under voting age. A more telling reason for the apathy is that liberals have created a Puerto Rican pacification program, replete with segregated voting, bilingual education that ghettoizes the young, and a district with so many geographical twists and turns that no local challenger to Velazquez could build support in enough of its far-flung communities to mount a serious campaign. It is as if liberals issued every Hispanic voter a pair of crutches to get to the polls, and then were surprised to see few turn up. The district is what the British would call a "rotten borough," in which elections are merely ceremonial. The fact is, in all such specially drawn "majority-minority" districts around the country, voter turnouts are fabulously low.

◆ Victory and Denial

Soon after the creation of districts like Velazquez's, the Supreme Court began ruling against making race the dominant factor in districting. Decisions invalidating some of the districts drove the race industry to howls of outrage and prophecies of doom: *Miller v. Johnson*, which knocked down two majority-black districts in Georgia in 1995, was "a definite setback," said Deval Patrick, Assistant U.S. Attorney General for Civil Rights. It portended "a return to the days of all-white government," warned ACLU voting rights specialist Laughlin McDonald. "The noose is tightening," said Elaine Jones, director-counsel of the NAACP Legal Defense and Education Fund; because of the rulings, said Theodore Shaw, the fund's associate director, the black congressional delegation would be able to fit "in the back of a taxicab." When the Court invalidated two Texas districts in *Bush v. Vera* in June 1996, Jesse Jackson foresaw "a kind of ethnic cleansing."

On November 5, 1996, five black incumbent members of Congress whose black-majority districts had been eliminated by court orders faced the voters in new, nonblack-majority districts in Georgia, Florida, and Texas. And they all won, exploding the liberal certainty that whites so seldom vote for blacks that the latter can exercise their voting rights fully enough to elect a candidate of their choice (presumed to be of the same color) only when they're "empowered" to vote *en bloc* as members of a "protected" group. The 104th Congress had had thirty-eight black members of the House of Representatives under racial gerrymandering; with six fewer majority-black districts, the 105th has thirty-seven. The only black representative who didn't return as a result of the rulings was Cleo Fields, who decided not to run when his Louisiana district was invalidated. Connecticut Republican Gary Franks was defeated in an 88 percent white district, but that had nothing to do with voting rights litigation, and, for racial head-counters, it was offset by black Democrat Julia Carson's 53 percent victory over a white opponent in a 69 percent white Indianapolis district.

Redistricted black incumbents who chose to test the presumption of white bigotry by facing majority-white electorates found their courage rewarded. White "crossover" voting for blacks was clearest in Georgia, where Sanford Bishop (whose 52 percent black VRA district was displaced by one that was 35 percent black) won with 54 percent of the vote. When the Supreme Court nixed Cynthia McKinney's 60 percent black, Atlanta-to-Savannah district in 1995, she complained that black officeholders faced "extinction" and was adored as a martyr at the Harvard/*New Yorker* "Plessy v. Ferguson" conference a few months before the 1996 elections. But she won her new, 65 percent white district with 58 percent of the vote. In northern Florida, Corinne Brown (her electorate down from 55 to 42 percent black) won 61 percent of the vote.

In Texas, two black women—Democrats Sheila Jackson Lee of Houston and Eddie Bernice Johnson of Dallas—won reelection against multiple opponents in districts that had been reconfigured by court rulings to contain fewer black voters. Actually, their former black constituents had been

replaced mainly by Mexican Americans, not by whites; still, their districts were a little bit whiter and a lot less black. So it's remarkable that Lee, whose constituency had gone from 51 percent black to 42 percent black, won 77 percent of the vote against three opponents, and that Johnson (whose district went down from 51 to 44 percent black), won 55 percent of the vote against five opponents, two of them fellow Democrats.

Why didn't the supposed "ethnic cleansing" occur? Because, as liberal activists refused to acknowledge, the landmark Voting Rights Act was never at risk in the Court rulings; only the advocates' subsequent, ill-advised amendments to it were at risk. The racial districting fiasco was a dramatic departure from the original act's intent and is an example of civil rights law that heightens racial divisions without proving discrimination. It's the kind of overreaching the Court began rejecting in 1993—and which liberals defended unthinkingly because it had become their status quo: "Right now, two things can change the situation," Selwyn Carter of the Southern Regional Council told the *Village Voice* in June 1996 after the Court invalidated the Texas districts. "We could get a new Supreme Court justice who supports democratic values. [Or] minority voters . . . can begin to mobilize." He, other activists, and liberal editorialists missed a third option: Enough white voters could "support democratic values" strongly enough to cross racial lines.

It was a big thing to miss. A June 1996 *New York Times* editorial accused the Court of ignoring the "inescapable fact that racially polarized voting makes it hard to elect minority candidates in majority-white districts." Yet it was millions of white voters, not advocates and judges, who had also made L. Douglas Wilder the governor of Virginia and Carol Moseley-Braun a senator from Illinois; who had elected a dozen blacks as the mayors of big, majority-white cities; and who had sent Andrew Young, Alan Wheat, Ron Dellums, Harold Ford, J. C. Watts, Gary Franks, and Julia Carson to the House from majority-white districts since 1972—all without voting rights litigation. Voters, not judges, had been telling liberals to stop making

official what should be shameful—defining one's citizenship mainly by color.

One might expect that activists and journalists who believed that white voters were so ineradicably racist that black Americans could be elected only with state-mandated gerrymandering would be delighted to find it unnecessary in 1996. But for people who are chasing mirages of racial destiny, constantly on the lookout for racist threats to quicken their steps, good news can be bad news: The Court's reintegration of politics must be "segregation," and blacks' victories at the hands of white voters spell a kind of defeat. The NAACP, the ACLU, the *Times* editorial board, and other organizations and newspapers didn't celebrate the 1996 victories. "I must confess I was surprised," the ACLU's McDonald told me a few days after the election, "but it is a mistake to rely on anecdotes to show that voting is no longer polarized." The NAACP's Penda Hair said that she would have to study exit polls and counts of registered voters by race before deciding what the results meant. But no sifting of the results could deny the obvious: Even if every black voter in the Georgia and Florida districts had gone to the polls in 1996, and most whites had stayed home, Bishop, McKinney, and Brown would still have to have gotten a lot of white votes to win as they did in these majority-white districts. In fact, the white turnout in all three districts was *higher* than the black.

Disoriented by the decline in racially polarized voting, some VRA-district defenders argued that the black members' victories actually proved racial gerrymandering was essential. Without it, McDonald and Hair claimed, the victors would never have become incumbents in the first place, and so wouldn't have had the standing and track records white voters found credible in 1996. The NAACP's Theodore Shaw, who had predicted that congressional blacks would be able to fit into a taxicab, told the *New York Times*, "There was a question in my mind whether incumbency would trump race, and it appears that it has." Before the election, neither Shaw nor other voting rights activists had posed that question, much less expressed the hope that incumbency would give the redistricted blacks a

fighting chance with nonblack voters; all, except David Bositis of the Joint Center for Political and Economic Studies, had announced that they would lose.

As soon as some of the redistricted incumbents surprised observers by winning the 1996 Democratic primaries in their new districts, the old, invalidated districts were touted as having powered their victories. After Cynthia McKinney and Sanford Bishop won the Georgia primaries in July, *Atlanta Journal-Constitution* editor Cynthia Tucker wrote that the Supreme Court's rulings "accidentally . . . handed them a more suitable kind of affirmative action: a foot in the door and no more. Given majority-black districts for only one election cycle, [they had] the chance to prove themselves. . . . Affirmative action programs of that kind tend to be less divisive because they do not guarantee equal success, only equal opportunity." That's nice; but even nicer—and, therefore, unnoted by voting rights activists—is the truth that if incumbency helped blacks win white majorities in areas they'd never represented before, then something fairly ordinary *does* count more than race. The redistricted blacks "weren't incumbents in *these* districts. These were new districts," voting-rights analyst Abigail Thernstrom told the *Times*. Besides, the list of blacks, like Indiana's newly elected representative Julia Carson, who were winning without being incumbents in the offices they sought, is growing. So another lesson of 1996 is that while racial bloc voting persists and should not be dismissed out of hand, neither should we dismiss cross-racial victories as aberrations. We should be studying them as precedents.

Still another is that, even if the old VRA districts were a kind of affirmative action, they were inappropriate in ways workplace affirmative action may not be. Elected officials are more than public employees, and voters are more than employers: Each elected official is "hired" not by an individual or company but by a diverse collection of citizens with varied commitments, views, and whims. Even if workplace hiring can be micromanaged by affirmative action, political sovereignty can't be, for it is ultimately about freedom, including the

freedom to make bad decisions. A democracy that relies on civic virtue makes voting rights activists uneasy, because they think only in terms of supposedly monolithic and undifferentiated racial groups: "Even when minority representatives can be elected from districts that are not majority black, they cannot be as effective if they find themselves serving two masters," activist Anita Hodgkiss told David Grann, writing for the *New Republic*. That puzzled voting analyst Jerry Skurnik. "I always thought representatives had *thousands* of masters," he said.

Once every citizen has an equal vote on a basis that doesn't prejudge his or her commitments or views, everything else is up to the politics of persuasion. If citizens are bigoted or reckless in the voting booth, government can't stop them, because, at least on election day, they *are* the government. Ultimately, civic virtue and the democratic arts must be cultivated in and by the people, not imposed by self-appointed monitors. When the NAACP Legal Defense Fund, its Puerto Rican analogue, and other groups insist otherwise, they are not "civil rights" organizations, as the media call them, but ethnic-advocacy groups.

Understanding this danger, the early civil rights movement refused to write off all white voters as racists. It reached out to them, even as it challenged them. The final lesson of 1996 is that that politics of persuasion still works and that there is more civic virtue in the people than their would-be keepers assume. "The State must follow and not lead the character and progress of the citizen," wrote Ralph Waldo Emerson in his essay "Politics"; ". . . the form of government which prevails is the expression of what cultivation exists in the population which permits it. The law is only a memorandum."

◆ Ideologues, Ethnocentrists, Moralists, and Opportunists

Why can't activists on the right or the left grasp Emerson's insight? The answers are rooted in leftist ideology, black

ethnocentrism, white racial moralism (driven by guilt), and simple partisan opportunism among both Republicans and Democrats.

Leftist Ideology

The racial districting story began partly in the odysseys of leftist lawyers who got into the race business to make black "empowerment" drive "progressive" economic change. In their view, oppressed and excluded blacks bear not only special wounds but a special social wisdom. Dr. King and John Lewis bore that wisdom, and they, too, wanted to mobilize it in the struggle against economic as well as racial divisions. At the 1963 March for Jobs and Freedom in Washington, D.C., King characterized constitutional guarantees of liberty as a kind of "promissory note" which blacks had come, at last, to cash. "We refuse to believe that the bank of justice is bankrupt," he added, putting liberals on the line not only politically but, as his metaphor suggested, economically.

But because he was so close to ordinary black folk and to a Christian sense of human frailty, King was realistic about the limited prospects of "overcoming" economic injustice through poor people's movements. To academic leftist analysts, by contrast, who were breezier and at the same time more dogmatic because they were more distant from the ground, aggrieved blacks are the vanguard of revolutionary change. In their view, a capitalist society must marginalize some of its population in a "reserve army of the unemployed" whose desperation keeps wages down. Thus, they say, capitalists employ racism to push blacks into that "army," giving white America a continuing rationale for *somebody's* permanent marginalization. In contrast, the left champions racial equality in order to expose the fiction of white America's fantasies of an equal-opportunity society with no permanent class divisions. In this view, weaving the black thread right into the center of the social fabric, as in racial districting, isn't only the right thing to do; it's also a way to unravel the fabric itself, exposing its contradictions and lies.

Concentrating on race, not class, seems an astute tactic in a society where law addresses injustices based on race but not on class. Because law protects private property and its owners' freedom to invest or disinvest as they see fit, it cannot uproot economic inequities. So leftists, drawing upon King's and Lewis's courage, learned to charge "racism" against public officials and private corporations in court in order to destabilize the system by extracting material and political benefits for the black poor. The activist sociologist Frances Fox Piven was explicit about this in trying to flood New York's welfare rolls with hundreds of thousands of blacks and Hispanics in the 1960s, when unemployment was low; in an unwitting analogy to President Nixon's use of affirmative action to divide white-ethnic Democrats from black Democrats, Piven argued that black demands for more welfare would so anger white taxpayers, thus disrupting the Democratic coalition, that nervous liberal politicians would replace welfare with an even more ambitious guaranteed minimum income for all Americans.

For activists steeped in this tradition of using race as a proxy for class, voting rights litigation is but another front of the struggle. In their hearts and minds, though not on their lawyerly lips, the language of racial "inclusion" is a proxy for a language of economic transformation. But it is also an expression of leftist racial opportunism, for most people with dark skins want to join the system, not serve as the vanguard of an anticapitalist revolution. That is why black and white voters together helped to reelect Florida's Corinne Brown, who had proved herself a reliable provider of "pork" in military spending, and Georgia's Sanford Bishop, who looked after the interests of his "redneck" peanut farmers. However, many on the left consider such blacks the victims of "false consciousness"; civil rights attorney and former Clinton nominee for U.S. Assistant Attorney General for Civil Rights Lani Guinier did write that blacks who win in majority-white districts may not be "authentic" representatives of their people. After the 1996 elections, the ACLU's Laughlin McDonald sounded almost mournful as he told me that Sanford Bishop's "voting record is more Republican, to the right; that explains his success."

But since the law and the careers of activists like McDonald constrain them to argue in terms of race, not class, they couldn't object very loudly when, in 1996, some black politicians addressed white voters in the name of shared middle-class values and aspirations. The advocates and their Justice Department colleagues were trapped defending a racial "inclusion" that subverted their more "progressive" political agenda. Guinier was one of the few black voting rights activists to try to break out of that trap by calling for an end to *all* geographical districting and the introduction of other systems of voting that are beyond our scope here.

In fairness, voting rights liberals who aren't anticapitalist face a poignant dilemma, too: The expanding black middle class, living in mostly black suburbs and preoccupied with corporate success and consumption, is not quite what the civil rights movement's "beloved community" envisioned. Unease and even regret about this are understandable, but they hardly justify campaigns for "solutions" such as proportional racial representation.

Black Ethnocentrism

Not all blacks do want to join the capitalist system, of course. The more rudderless and valueless consumer culture becomes, the more people of all races are tempted to seek havens in subcultures rooted in a particular ethnicity, ideology, or doctrine, not markets. Blacks, so long and so harshly excluded from capitalist culture and so vulnerable to its enticements, have often felt ambivalent about joining it, even when they could. The structures of endurance and resistance they created across centuries of exclusion may not have been "progressive" in an anticapitalist sense, but they were formidable redoubts of dignity. When such structures have succumbed to the seductions of consumer marketing and government entitlements, they are often sorely missed; it can be as tempting to withdraw into folkish discipline, as Louis Farrakhan urges, as it is to seek full integration. In that sense, Farrakhan's sympathizers and Christian fundamentalists often understand one another quite well.

Black leftists are more torn, and their voting rights confusion reflects it. On the one hand, they, like Farrakhan, want blacks to deepen their solidarity against the system. On the other, as "progressives," they want blacks to integrate the system enough to join interracial coalitions that will change the system itself. But if black solidarity has decayed into little more than a collection of orchestrated insecurities, the prospect of integration can be frightening. As the writer Shelby Steele explains in *The Content of Our Character*, it brings "the shock of being suddenly accountable on strictly personal terms. [Integration shock] occurs in situations that disallow race as an excuse for personal shortcomings and it therefore exposes vulnerabilities that were previously hidden" behind postures of group defiance and withdrawal. "When one lacks the courage to face oneself fully," Steele continues, "a fear of hidden vulnerabilities triggers a fright-flight response to integration shock. Instead of admitting that racism has declined, we argue all the harder that it is still alive and more insidious than ever." Hence the search for a proportional racial representation that seems to keep blacks "authentically" black, and whites white.

But if racism is thought to be on the rise and if black identity is inherently oppositional, then victories like Corinne Brown's and Sanford Bishop's thanks to white voters must be explained away. And as long as there are enough guilt-ridden whites eager to make amends for racism, there is some apparent reward for voting rights activists' persistent claims of victimization. They can try to have it both ways: They want representation by reparation—the simulacrum of empowerment that comes with "safe" legislative seats—but not the real power and responsibility that would come from organizing and mobilizing thousands of voters. That is why turnout in the districts they create is so low, and why the districts' champions are eerily untroubled by the apathy.

White Liberal Moralism

Some of the gloomiest black racists achieve an odd serenity when they find whites who are guilt-ridden enough to defer

to their otherwise nonsensical ideas. It is one of the great ironies behind incessant charges of racism: Those who condemn whites the most flamboyantly tend to be those who know that they can count on a deep reservoir of white remorse and goodwill. On the night of her 1996 Democratic primary victory in her new, majority-white district, Cynthia McKinney did have to acknowledge this. She seemed at once delighted and nonplussed: "The people of the Fourth District decided to get on board the history train!" she exulted, without specifying where she thought the train was heading. Two months later, she was back in court seeking the return of her old, majority-black district—an irony that irritated some white residents of her new district who had voted for her. The *New York Times* ran a photograph of a smiling McKinney resting her head endearingly on the shoulder of Laughlin McDonald, the ACLU voting rights lawyer who had predicted a return to the days of all-white government when the old district was invalidated. The story never mentioned that the two were trying to get McKinney out of the district that had just elected her.

Political Opportunism

If ideologues, ethnocentrists, and moralists are driven to racism by their illusions, most politicians are drawn to it by opportunism. In public controversies over important principles, most politicians are moral dilettantes: When they see narrow political opportunities in moral posturing, they take them. Republican operatives who helped liberal Democrats create the majority-minority districts in some states saw an opportunity to escape from the Democratic habit of packing Republicans into a few GOP districts while spreading blacks, who are usually Democrats, into mostly white districts, giving white Democrats an edge against Republicans.

As we have seen, the original VRA had already stopped some of these practices, enabling real black and Hispanic communities to send candidates of their choice to Congress. But now that the 1982 amendments to the act had made race as important a factor as partisan gain and were packing even

geographically dispersed minorities into special districts, the adjacent white districts could become whiter and, potentially, more susceptible to "us versus them" appeals by Republicans. The GOP had avoided such talk when its representatives had had black or Hispanic constituents. Now, they made race a "wedge issue" to divide and regroup the electorate along partisan lines. Since districting is almost inherently partisan, no one could blame Republicans for grabbing any legal tool to counteract years of Democratic-run districting. Still, the GOP's embrace of racial gerrymandering was cynical. For years, the administrations of Ronald Reagan and George Bush had denounced racial quotas and proportionalism. Now, the Bush Justice Department had helped racial advocacy groups draw districts pursuant to the 1982 amendments.

Activists who believed that minority "empowerment" would come from corraling blacks and Hispanics into special districts should have sensed their own tactical, if not philosophical, blunder when they started getting logistical and financial support from conservative foundations and Republican Party operatives. But black politicians seeking more "safe" seats for themselves and their colleagues got greedy. "I'm not going to sacrifice a black district to be a Democrat. I was black before I was a Democrat," Kay Patterson, a South Carolina state senator who chaired that legislature's Black Caucus, told the conservative journalist Peter Brown. Such thinking made possible the hypocritical collaboration of voting rights activists and Republicans—"the ultimate political one-night stand," Brown called it, knowing who'd feel "had" by morning. In 1994, the newly whitened districts helped Republicans win Congress. As the Supreme Court began to invalidate the new minority-majority districts that had made this possible, Republicans fell silent for a while and seemed to acknowledge their hypocrisy. But early in 1997, former Republican National Committee counsel Benjamin Ginsberg told representatives of black civil rights groups at a Washington conference that a good deal of racial districting remains possible under the new Court strictures and that the advocates' "best deal will again be with Republicans."

But will the Democrats hop back into bed with Republicans

when redistricting resumes in 2001? White Democrats who had backed the '82 amendments found themselves out of office after losing their nonwhite constituents. The Congressional Black Caucus grew by nine members, but it found itself more isolated in a Republican-run legislature, stripped of its powerful House committee chairmanships. Will they now forswear racial districting, even if it means losing a few "black" seats, in order to regain Democratic control of the House?

Long before the VRA was enacted, Democrats bargained ethnically and racially. They created urban machines that preached "the American Way" while catering to loyalists along carefully patrolled ethnic and racial lines. In a sense, the 1982 VRA amendments merely ratcheted up this unofficial practice into a legally mandated formula. But there is something to be said for the old, informal balancing of ethnic and "American" loyalties. Because it did not make racial or ethnic identity the official foundation of public policy, this balancing offered more incentive for such graduates of the old ethnic spoils systems as Barbara Jordan and Mario Cuomo to transcend their parochial ethnic and racial origins and affirm the American faith to which Lyndon Johnson had appealed from the House podium in 1965. But as proportional racial representation cost such Democrats white support, it left them more dependent on keeping black and Hispanic activists and politicos happy, even if that meant encouraging Balkanization.

Some have learned better since 1994 and again since 1996, when, ironically, Supreme Court rulings against racial districting shifted some of Cynthia McKinney's and Sanford Bishop's former black constituents back into neighboring white districts. The Republicans there were reelected but by smaller margins, and they may now be more responsive to blacks' concerns. Most liberal Democrats I spoke with acknowledged that racial districting had been a disaster. But the black incumbents among them were trapped in their short-run gains, even if not in racial loyalty or ideology—trapped, that is, until the voters liberated them almost despite themselves.

Since good racial news discomfits those who tout racial victimization, messengers bringing good news can't be endured.

In 1982, two lobbyists for the VRA amendments told Abigail Thernstrom, the critic of racial districting, "If you testify against the amendments, we will blacklist you with every politician and voting rights lawyer you want to interview for your book." Although her *Whose Votes Count?* won four impressive awards from organizations such as the American Bar Association, a review by University of Virginia law professor Pamela Karlan and voting rights activist Peyton McCrary claimed that it "so distorts the evidence that it cannot be taken seriously as scholarship." The liberal Twentieth Century Fund, which sponsored the book, forgot to list it among all its other books in a seventy-fifth anniversary publication.

"We need electoral arrangements that deliver the right messages," Thernstrom wrote in the *Washington Post* in 1991. "And the right messages are: that we are all Americans, that we're in this together, that the government thinks of us and treats us as individual citizens with individual (not group) rights, that whites can represent blacks and blacks can represent whites, that we have no need for legislative quotas, since distinct racial and ethnic groups are not nations in our society. . . ." Her essay, entitled "A Republican–Civil Rights Conspiracy," condemned both sides for betraying that vision.

Liberal voting-rights activists dismissed Thernstrom's words as naively ahistorical or, worse, as pieties covering racism. But in 1996, the words took on an historic ring. "I am not your African-American candidate; I am the Democratic candidate for Congress," said Indiana's Julia Carson on the eve of her victory in a heavily white congressional district, sounding the winning note that unnerves liberal racists because it reverses their view of the world.

Ethnocentric activists, their conservative collaborators, and others who have supported racial districting need a new language that begins with three simple words: "We were wrong." They were wrong about the intent and spirit of the Voting Rights Act. They were wrong about the Supreme Court's rulings against using race as the dominant factor in districting. They were wrong about messengers of the good news that Americans will reward something better; indeed, they were

wrong about the voters themselves. And they are still wrong, because their unspoken goal remains not integration but proportional racial representation that has no place in an America that is overcoming its racism, past and present.

I first understood that racial destiny is a fantasy as I watched Lyndon Johnson say, "We *shall* overcome," and realized that he had been driven to say it by the moral example of John Lewis and Martin Luther King, Jr. Lewis was right to say, during the 1992 reapportionment, that when he defied Selma's Sheriff Clark he was hoping "to create an interracial democracy in America . . . not separate racial enclaves," and that the VRA's purpose should be "to create a climate in which people of color will have an opportunity to represent . . . all Americans." He risked his life for that vision; King lost his life for it. In the 1996 elections, unsung heroes in voting booths instructed those who were sliding away from that vision not to give up on it. What they should give up on instead are their fantasies of racial destiny.