

# Explaining the Rise and Fall of African American Fortunes— Interest Convergence and Civil Rights Gains

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COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY. By Mary L. Dudziak. Princeton, New Jersey: Princeton University Press, 2000. Pp. 254 + notes, index. (\$18.95).

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## I. INTRODUCTION: COMPETING VIEWS OF BLACK PROGRESS

In 1958, an Alabama court sentenced Jimmy Wilson, a black handyman, to death for the crime of stealing less than two dollars in change.<sup>1</sup> When the world press trumpeted the story, an embarrassed Secretary of State John Foster Dulles intervened and helped overturn Wilson's sentence.<sup>2</sup> A new book by University of Southern California Law Center legal historian Mary Dudziak argues that the Wilson case was not an isolated event, but one of many in which concern for international appearances drove domestic policy during this period.<sup>3</sup>

As any follower of African American fortunes knows, racial progress has traced a zigzag path, with periods of advancement followed by ones of retrenchment.<sup>4</sup> During Reconstruction, blacks made great strides, but the advances of the 1870s were soon met with violence, terror, lynching, and Jim Crow laws, which swallowed up black gains.<sup>5</sup> In 1896, *Plessy v. Ferguson*<sup>6</sup> ushered in an era of "separate but equal," which saw blacks consigned by law to inferior, underfunded schools, squalid public bathrooms, and separate restaurants, beaches, and theaters.<sup>7</sup> In 1954, fortune smiled a second time when *Brown v. Board of Education*<sup>8</sup> an-

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<sup>1</sup> See MARY DUDZIAK, COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY 3–6 (2000) [hereinafter CWCR].

<sup>2</sup> See CWCR, *supra* note 1, at 5–6.

<sup>3</sup> See *id.* at 11–17, 252.

<sup>4</sup> See, e.g., DERRICK BELL, RACE, RACISM, AND AMERICAN LAW (3d ed. 2001) (landmark statement of this position).

<sup>5</sup> *Id.* at 21–80. See also JUAN PEREA ET AL., RACE AND RACES: RESOURCES AND MATERIALS FOR A DIVERSE AMERICA 145–48 (2000).

<sup>6</sup> 163 U.S. 537 (1896).

<sup>7</sup> PEREA ET AL., *supra* note 5, at 145–200 (describing this era).

<sup>8</sup> 347 U.S. 483 (1954).

nounced a ringing breakthrough for blacks. But the heady Civil Rights era of the late 1950s and 1960s came to a halt with the Burger Court, and has continued to erode with three Republican presidencies and a public that today seems increasingly tired of hearing about race and minorities.<sup>9</sup>

What accounts for the rise and fall of minorities' fortunes? Two schools of thought offer competing interpretations. One, an idealist school, takes as its premise that race is a social construction.<sup>10</sup> Blacks, like other groups of color, are racialized by a system of thoughts, words, messages, stories, and scripts that implant in the minds of most citizens indelible images of inferiority.<sup>11</sup> The way to overcome racism, then, is to speak out against it and to arrange social structures, such as elementary education, so that whites will learn firsthand that people of different colors are just like anyone else—some good, some bad.<sup>12</sup> Proponents of this view urge controls on hate speech,<sup>13</sup> tout storytelling and counterstorytelling by minorities,<sup>14</sup> and encourage whites to root out any unconscious racism they may harbor.<sup>15</sup> For this school, social images drive racial fortunes, and the way to change these fortunes is to change the way the American public thinks and talks about race.<sup>16</sup>

<sup>9</sup> See, e.g., DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992) (explaining Reagan-era retrenchment in civil rights in terms of structural factors inherent in our political system); Richard Delgado & Jean Stefancic, *The Social Construction of Brown v. Board of Education: Law Reform and the Reconstructive Paradox*, 36 WM. & MARY L. REV. 547 (1995) (offering a similar explanation).

<sup>10</sup> See Richard Delgado, *Two Ways to Think About Race: Reflections on the Id, the Ego, and Other Reformist Theories of Equal Protection*, 89 GEO. L.J. 2279 (2001) (discussing various authors who write in this vein, including Charles Lawrence, author of an impressive article on unconscious racism and other works highlighting the contribution of racialized thoughts and discourse to a system of inequality).

<sup>11</sup> *Id.* See also Richard Delgado & Jean Stefancic, *Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?*, 77 CORNELL L. REV. 1258 (1992).

<sup>12</sup> See, e.g., Richard Delgado, *Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution*, 1985 WIS. L. REV. 1359 (discussing the "social contact" hypothesis for reducing racism). This approach formed the basis for institutional desegregation in the 1950s and 1960s. See, e.g., *Brown*, 347 U.S. at 483.

<sup>13</sup> E.g., MARI J. MATSUDA, RICHARD DELGADO ET AL., *WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH, AND THE FIRST AMENDMENT* (1993); Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320 (1989).

<sup>14</sup> See, e.g., PATRICIA WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1991); Derrick Bell, *Foreword: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985); Mari J. Matsuda, *Affirmative Action and Legal Knowledge: Planting Seeds in Plowed-Up Ground*, 11 HARV. WOMEN'S L.J. 1 (1988).

<sup>15</sup> Consider, for example, the now common practice of requiring police officers to have diversity training targeted at (often unconscious) racist assumptions so that they are better able to refrain from racial profiling.

<sup>16</sup> Writers in the competing materialist school are more prone than the idealists to discuss forces that produce racial retrenchment, rather than progress. See *infra* notes 17–21 and accompanying text. When idealists do discuss civil rights retrenchment, they usually explain it in terms of the nation's forgetfulness or loss of fervor for social justice. See, e.g., CHARLES LAWRENCE & MARI MATSUDA, *WE WON'T GO BACK: MAKING THE CASE FOR AFFIRMATIVE ACTION* (1997).

A competing view acknowledges that race and racism are ideas and thus, in some sense, under our control, but holds that material factors, including competition for jobs, social and pecuniary advantage, and the class interest of elite groups (that is, “interest-convergence”) play an even larger role in our system of white-over-black racism.<sup>17</sup> Writers in this camp, including Derrick Bell<sup>18</sup> and myself,<sup>19</sup> highlight how racism operates to reinforce material or psychic advantages for groups in a position to command them. In its early years, Critical Race Theory was dominated by materialists like Bell<sup>20</sup> and Alan Freeman.<sup>21</sup> Recently, perhaps under the influence of discourse theorists from other disciplines, the idealists have moved to the fore.<sup>22</sup>

## II. FROM BELL TO DUDZIAK: USING INTEREST-CONVERGENCE TO EXPLAIN BLACK CIVIL RIGHTS GAINS

Mary Dudziak’s recent Princeton University Press book *Cold War Civil Rights: Race and the Image of American Democracy*<sup>23</sup> heralds a return to the powerful insights of the Critical Race Theory movement’s founding figures. This work expands on a theme Dudziak first articulated in an influential 1994 *Stanford Law Review* article.<sup>24</sup> That article and her recent book in turn build on an impressive insight by Derrick Bell that gains for blacks coincide with white self-interest and materialize at times when elite groups need a breakthrough for African Americans, usually for the sake of world appearances or the imperatives of international competition.<sup>25</sup> Bell hypothesized that racism serves such powerful eco-

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<sup>17</sup> See Delgado, *supra* note 10; Derrick Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

<sup>18</sup> E.g., Bell, *supra* note 17; Derrick Bell, *Racial Realism*, 24 CONN. L. REV. 363 (1992).

<sup>19</sup> See Delgado, *supra* note 10; Richard Delgado & Jean Stefancic, *Norms and Narratives: Can Judges Avoid Serious Moral Error?*, 69 TEX. L. REV. 1929 (1991) (on the “empathic fallacy” of assuming that words alone can make headway against ingrained ideas and narratives); Delgado & Stefancic, *supra* note 11 (same). On the occasions when I have championed a position associated with idealism, such as controls on hate speech, I have emphasized the tangible costs of misguided speech or imagery. See, e.g., Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, 17 HARV. C.R.-C.L. L. REV. 133 (1982).

<sup>20</sup> See, e.g., Bell, *supra* note 17.

<sup>21</sup> See, e.g., Alan D. Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978); Alan D. Freeman, *Race and Class: The Dilemma of Liberal Reform*, 90 YALE L.J. 1880 (1981). For a discussion of Critical Race Theory, its history, and principal themes, see RICHARD DELGADO AND JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* (2001).

<sup>22</sup> See Delgado, *supra* note 10.

<sup>23</sup> CWCR, *supra* note 1.

<sup>24</sup> Mary L. Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61 (1988).

<sup>25</sup> Bell, *supra* note 17.

conomic and psychic interests that only equally strong countervailing forces would hold it in abeyance.<sup>26</sup> To explain the rise and fall of black fortunes, according to Bell, one must attend to such matters as the labor market, the need to placate working class whites, wartime needs for solidarity and bodies to serve in industry or on the front, and the exigencies of Cold War competition.<sup>27</sup>

Taking as his principal example *Brown v. Board of Education*,<sup>28</sup> Bell posited that this remarkable decision came about when it did due to Cold War politics.<sup>29</sup> Bell invited his readers to consider how the NAACP Legal Defense Fund had been litigating school funding and desegregation cases for decades throughout the South, generally losing or winning, at most, narrow victories.<sup>30</sup> Then, in 1954, the skies opened—the Court declared, for the first time in a school desegregation case, that separate was no longer equal.<sup>31</sup> Why then? Bell pointed out that the country had just celebrated the end of a bloody world war against Germany and Japan, during which many black men and women had served gallantly. Having risked their lives for the cause of freedom, they were unlikely to return meekly to the former regime of menial jobs and segregated facilities.<sup>32</sup> For the first time in decades, the prospect of serious racial unrest loomed.

At the same time, the United States was in the early stages of a Cold War against the forces of monolithic, atheist communism, competing for the loyalties of the uncommitted Third World, most of which was black, brown, or Asian.<sup>33</sup> Incidents like the murder of Emmett Till<sup>34</sup> and the death sentence of handyman Jimmy Wilson<sup>35</sup> splashed across the pages of the world news, reflecting poorly on America. The balance of interests shifted; elite whites now saw a powerful reason to advance blacks' cause. For Bell, the *Brown* decision came about when it did, not because of altruism or advancing notions of social morality. Rather, elite whites on the Supreme Court, in the State Department, and in other circles of power simply perceived that America's self-interest lay in publicly supporting blacks so as to gain an edge in the Cold War with Russia.<sup>36</sup>

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<sup>26</sup> *Id.* at 518, 524–26; BELL, *supra* note 4, at 26–28, 65–77.

<sup>27</sup> Bell, *supra* note 17, at 524–27; BELL, *supra* note 4, at 26–28, 65–67, 78–79.

<sup>28</sup> 347 U.S. 483 (1954).

<sup>29</sup> Bell, *supra* note 17, at 518, 524–27.

<sup>30</sup> *Id.* at 524; BELL, *supra* note 4, at 159–65.

<sup>31</sup> *Brown*, 347 U.S. at 495.

<sup>32</sup> Bell, *supra* note 17, at 524–25. *See also* CWCR, *supra* note 1, at 23.

<sup>33</sup> Bell, *supra* note 17, at 523–26.

<sup>34</sup> JUAN WILLIAMS, *EYES ON THE PRIZE: AMERICA'S CIVIL RIGHTS YEARS, 1954–1965*, at 39, 41–43 (1987) (describing a black teenager murdered for eyeing a white woman).

<sup>35</sup> *See* CWCR, *supra* note 1 and accompanying text (describing a handyman sentenced to die for stealing two dollars).

<sup>36</sup> Bell, *supra* note 17, at 524–25 (hypothesizing, in general terms, that white elites tolerated and encouraged breakthroughs like *Brown* because the balance of interests had shifted away from indifference about black justice toward active encouragement); BELL, *supra* note 4, at 65–79 (making the same argument).

Spelled out in his landmark article in the *Harvard Law Review*, *Brown versus Board of Education and the Interest-Convergence Dilemma*,<sup>37</sup> Bell's hypothesis was greeted with cries of outrage. Deemed a cynical explanation of whites' benevolent conduct, it was dismissed as the jaded speculation of a civil rights warrior who had given up on the promise of America.<sup>38</sup>

Dudziak's book makes such a dismissal much more difficult. A trained legal historian, Dudziak set out to investigate whether Bell's hypothesis was borne out by the historical facts. After perusing hundreds of official documents in the files of the U.S. Department of State and the U.S. Department of Justice, and thousands of pages of international press columns and releases,<sup>39</sup> Dudziak succeeds in showing that *Brown v. Board of Education* and the softening of racial attitudes that it ushered in were largely prompted by Cold War considerations. Document after document<sup>40</sup> and release after release<sup>41</sup> inexorably converge on the same point—the United States needed to do something large-scale, public and spectacular to reverse its declining fortunes on the world stage.

A memorandum sent by Acting Secretary of State Dean Acheson to the chairman of the Fair Employment Practices Commission is typical of the documents that Dudziak unearthed. According to Acheson:

[T]he existence of discrimination against minority groups in this country has an adverse effect upon our relations with other countries. We are reminded over and over by some foreign newspapers and spokesmen, that our treatment of various minorities leaves much to be desired. . . . Frequently we find it next to impossible to [respond] to our critics in other countries.

An atmosphere of suspicion and resentment in a [foreign] country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust between the two countries. We will have

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<sup>37</sup> Bell, *supra* note 17.

<sup>38</sup> See, e.g., Freeman, *Liberal Reform*, *supra* note 21 (questioning whether Bell's writing may not be too despairing).

<sup>39</sup> Many of Professor Dudziak's sources are original documents—foreign press releases and editorials, and memos by U.S. officials kept in the National Archives. See, e.g., CWCR, *supra* note 1, at 254 nn.3–5; 259 n.1; 263 nn.29, 30 & 33; 271 nn.45, 48; 283 n.14. Other references are to items in special collections and libraries, such as the Harry S. Truman Library in Independence, Missouri, the Robert F. Kennedy Library, the Clark Clifford or Chester Bowles papers, unpublished proceedings of history conferences, federal hearing reports, or government amicus curiae briefs. *Id.* at 264 n.39; 269 n.22; 271 n.44; 274 n.10; 251 n.63. She seems to have overlooked nothing, and to have brought many items to the public's attention for the first time.

<sup>40</sup> See CWCR, *supra* note 1, at 38, 80, 142–45, 147, 160, 169–70, 175, 183, 188–89, 203, 208–11, 213, 215–19, 234–35, 237–45.

<sup>41</sup> See *id.* at 18–23, 26–27, 29–46, 107–11, 119–26, 134–38, 159, 164, 181–82, 194–97, 205, 209–10, 215, 223–35, 237–45.

better international relations when these reasons for . . . resentment have been removed.<sup>42</sup>

A 1952 speech by Chester Bowles, U.S. ambassador to India, sounded the same note:

A year, a month, or even a week in Asia is enough to convince any perceptive American that the colored peoples of Asia and Africa, who total two-thirds of the world's population, seldom think about the United States without considering the limitations under which our 13 million Negroes are living.<sup>43</sup>

When a U.N. commission began holding hearings on discrimination against minorities in 1946, State Department officials recognized the possibility of embarrassment to the United States. Secretary of State Dean Rusk took note of this risk when he wrote in a memo the following year that:

United States['] problems concerning relationships with minority groups have been fully treated in the press of other countries. This Subcommittee was established on the initiative of the U.S.S.R., and there is every indication that that country and others will raise questions concerning our domestic problems in this regard.<sup>44</sup>

To an idealist, or one who believed that *Brown* represented a change in America's collective heart and conscience, her evidence must come like a rain of hammer blows.

Dudziak's argument proceeds in four parts. After a short, sparkling introduction<sup>45</sup> that lays out her thesis, she opens with a chapter on international reactions to racial violence and lynching in the United States during the immediate post-war period.<sup>46</sup> She shows how the Truman administration realized, early on, the potential for our Cold War enemies to capitalize on these events. The Soviets, of course, did just that.<sup>47</sup> But she also shows how other nations, such as Ceylon, Fiji, China, the Philippines, and Holland, launched their own critique of U.S. policies.<sup>48</sup> Soon "U.S. diplomats around the globe were concerned about the effect of do-

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<sup>42</sup> *Id.* at 80.

<sup>43</sup> *Id.* at 77.

<sup>44</sup> *Id.* at 43.

<sup>45</sup> *See id.* at 3-17.

<sup>46</sup> *See id.* at 18-46.

<sup>47</sup> *See id.* at 37-39, 45.

<sup>48</sup> *See id.* at 29-37, 45-46.

mestic race discrimination and of propaganda on U.S. racial problems on the anti-United States or pro-Communist leanings of other nations.”<sup>49</sup>

Chapter 2 describes how the U.S. government’s initial reaction to unfavorable press worldwide took the form of spin control. When a Dutch official suggested that the “‘United States[’] information program . . . devote a major portion of its facilities and energies to a campaign aimed at counteracting the impression which so many people have of American racial suppression,’”<sup>50</sup> this struck a responsive chord. If the U.S. government could not deal directly with the conditions that drew forth the criticisms, it could at least attempt to “place them in context.”<sup>51</sup> Through films, U.S. Information Agency broadcasts, and press releases, the U.S. government promoted the view that in spite of its problems, the United States was still a great nation.<sup>52</sup> The government spread the message that although the history of slavery had left the young country with a legacy of racism and black economic disadvantage, progress was being made, and education would soon lift up the black population. As evidence of progress, the government pointed out that the number of African American writers, physicians, and professionals was increasing,<sup>53</sup> and that most Americans believed in equality and civil rights.<sup>54</sup> The few blacks who rejected the government’s message of progress, especially those who traveled and spoke overseas, were regarded as pessimists and cynics and were met by a barrage of official counterintelligence and press statements impugning their truthfulness, mental equilibrium, and loyalty.<sup>55</sup>

Chapters three through five of Dudziak’s book detail how three presidents, Truman, Eisenhower, and Kennedy, although quite different in their politics, were nevertheless driven by national security and international competition considerations to keep the pressure on state officials, Congress, and the judiciary to promote the cause of racial reform.<sup>56</sup> Dudziak traces the career of *Brown v. Board of Education* and later desegregation cases, showing how, when the U.S. Justice Department began intervening for the first time on the side of the black petitioners, it did so with foreign relations considerations clearly in mind.<sup>57</sup> She also shows that at least two of the Supreme Court justices who decided *Brown* had

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<sup>49</sup> *Id.* at 45.

<sup>50</sup> *Id.* at 46.

<sup>51</sup> *Id.*

<sup>52</sup> *See id.* at 46, 48–49.

<sup>53</sup> *See id.* at 46–53.

<sup>54</sup> *See id.* at 52–65.

<sup>55</sup> *See id.* at 65–77.

<sup>56</sup> *See generally id.* at 79–202, 226 (describing presidential speeches, statements, and other actions aimed at reminding laggardly state and federal officials of the need to conform their conduct to national civil rights policy).

<sup>57</sup> *See id.* at 90–102 (discussing the impact of foreign-relations considerations on the judicial climate during the period leading up to *Brown*).

expressed concern, either in speeches or their private correspondence, for the way racial strife in the United States played into the hands of its enemies.<sup>58</sup>

The final chapter of *Cold War Civil Rights* is the book's one weak link. Devoted to the Johnson years, it explains the winding down of the Civil Rights era only briefly, and then, only in terms of two forces—the passage of the Civil Rights Act of 1964 and the Vietnam War. With the enactment of the 1964 Civil Rights Act, and its recognition of formal, legal equality for blacks, most Americans believed blacks and whites were now equal.<sup>59</sup> Foreign critics also accepted the idea that blacks had achieved equality and muted their voices, so that pressure for reform eased.<sup>60</sup> Additionally, America's increasing engagement in the war in Vietnam—a hot, not cold, war—shifted national attention from civil rights to that conflict and the military draft that fueled it.<sup>61</sup> Although these events undoubtedly weakened civil rights fervor somewhat, Dudziak had at hand a much more powerful explanation for the end of the Civil Rights movement—the very interest convergence that she used to explain the advent of the Civil Rights era ten years earlier.

### III. HOW THE CIVIL RIGHTS ERA ENDED: EXTENDING DUDZIAK'S INSIGHT

Dudziak impressively demonstrates that *Brown v. Board of Education*<sup>62</sup> and the landmark civil rights legislation of the 1960s<sup>63</sup> were a result of interest convergence and Cold War concerns.<sup>64</sup> But these forces not only explain how the Civil Rights era came about; they also provide insight into why the Civil Rights movement came to an end ten years later.

One corollary to the softening of domestic attitudes exemplified by *Brown* and the 1964 Civil Rights Act was an implicit bargain in which African Americans, in return for civil rights gains, were expected to demonstrate loyalty to America and hostility to communism. They were expected to support foreign wars and purge their ranks of overt communists.<sup>65</sup> Dudziak's own data suggest this implicit bargain. She offers the early examples of singer Josephine Baker<sup>66</sup> and actor-singer Paul Robe-

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<sup>58</sup> See *id.* at 104–06 (discussing the impact on Justices Douglas and Warren).

<sup>59</sup> See *id.* at 210–12 (discussing the celebratory reaction to the new civil rights bill); *id.* at 251 (explaining that the attainment of formal equality took the steam out of the Civil Rights movement).

<sup>60</sup> See *id.* at 219–24, 231–38.

<sup>61</sup> See *id.* at 241–48.

<sup>62</sup> 347 U.S. 483 (1954).

<sup>63</sup> E.g., Civil Rights Act of 1964, 42 U.S.C. §§ 1971, 1975(a)–(d), 2000(a)–(h)(4) (1994).

<sup>64</sup> See *supra* notes 39–44 and accompanying text.

<sup>65</sup> See *infra* text accompanying notes 74–100, 113–118.

<sup>66</sup> See CWCR, *supra* note 1, at 67–77.

son<sup>67</sup> to support the implicit understanding—if not overt warning—that if blacks did not support the government, the government would take action.

With this implicit bargain in mind, Dudziak's thesis can also be used to explain some of the traumatic events of the late 1960 and early 1970s. During this period Black Power (as well as its Chicano counterpart) appeared on the scene, challenging the role assigned to blacks in the implicit bargain.<sup>68</sup> Panthers began reading and quoting from Marx and Lenin.<sup>69</sup> Malcolm X called white people "satanic" and America "the devil-nation."<sup>70</sup>

With that bargain breaking down, the government and other elite groups responded in two ways. First, they cracked down on the Panthers with brutal force.<sup>71</sup> Second, to assure that minority leaders were indebted to the government, they instituted the War on Poverty program and enlisted many minority leaders, including former militants like Denver's Corky Gonzales, in that program, giving them federal grants, jobs, and patronage in the form of positions they could fill with their friends.<sup>72</sup> Additionally, at this time mainstream elite groups in the private sector poured millions of dollars into the black community.<sup>73</sup> As a result, black economic well-being surged a second time, but the radical thrust of the Civil Rights movement was largely lost.

#### A. *Precursors: Marginalization and Subversion—The Fate of Early Black Radicals*

Even before the cataclysmic events of the 1960s, the U.S. government intervened in the fortunes and careers of black militants and reformers, delivering a powerful message to the black community. For example, when Josephine Baker rejected the demeaning, stereotypical roles she was offered in black vaudeville, she left for Paris in the 1920s, where she became an international star.<sup>74</sup> When, on a return trip to the States, she experienced racism, she began speaking out against it during tours

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<sup>67</sup> See *id.* at 15, 62–63, 71, 77, 220. See also *id.* at 250 (stating that activists who spoke out of turn, especially to international audiences, were silenced). That is, when elite groups acted in blacks' interests in the 1950s and 60s, they did so to improve America's position vis-à-vis international communism. As a corollary, blacks were expected to demonstrate Americanism and distance themselves from black radicals and fellow travelers such as Baker and Robeson.

<sup>68</sup> See, e.g., ELDREDGE CLEAVER, *SOUL ON ICE* (1969); *infra* Part III.B.

<sup>69</sup> See *infra* note 109 and accompanying text.

<sup>70</sup> See MALCOLM X & ALEX HALEY, *THE AUTOBIOGRAPHY OF MALCOLM X* 184–85, 187–88, 203–05, 244–45, 306, 423–24 (1973).

<sup>71</sup> See *infra* text accompanying notes 116–121.

<sup>72</sup> See *infra* Part III.B.2.

<sup>73</sup> See *id.*; see also MARK DOWIE, *AMERICAN FOUNDATIONS* 30–32, 203–13 (2001).

<sup>74</sup> See Mary Dudziak, *Josephine Baker, Racial Protest, and the Cold War*, 81 J. AMER. HIST. 543, 546–47 (1994). See also CWCRC, *supra* note 1, at 67.

around the world.<sup>75</sup> This brought her to the attention of the United States Information Agency and State Department, which took steps to discredit her and persuade local promoters to cancel her appearances in countries like Cuba and Colombia.<sup>76</sup> Later, the Immigration and Naturalization Service excluded her from the United States.<sup>77</sup> Her offense was not so much that she criticized racism against African Americans, which the government conceded, but that she refused to grant that progress had been made.<sup>78</sup> For this, the U.S. government virtually destroyed her career.

Singer Paul Robeson met a similar fate. A black man who had graduated from Rutgers Phi Beta Kappa, class valedictorian, and star varsity football player, Robeson went on to earn a law degree from Columbia University Law School.<sup>79</sup> An internationally acclaimed actor and singer, Robeson, like Josephine Baker, spoke and worked tirelessly for racial justice. A stay in the Soviet Union in the mid-1930s deepened his interest in socialism and led him to become increasingly active in international peace and civil rights organizations.<sup>80</sup> In 1945, the NAACP awarded him its highest honor, the Spingarn Medal.<sup>81</sup> But only a year later, amid rising Cold War tensions, the government began to view with alarm his friendship with domestic radicals, his support of Henry Wallace, and his participation in international peace conferences, where he outspokenly criticized the United States for colonialism abroad and racism at home.<sup>82</sup>

The black community, which until that point had been relatively receptive to radicalism, followed the U.S. government's lead and began ostracizing Robeson.<sup>83</sup> The black press criticized him for disloyalty and playing into the hands of America's enemies.<sup>84</sup> His fall from grace was sudden; within a few years, his career was over, his honor vilified, and even his health broken.<sup>85</sup>

<sup>75</sup> See Dudziak, *Josephine Baker*, *supra* note 74, at 548.

<sup>76</sup> See CWCR, *supra* note 1, at 67–74; see also Dudziak, *Josephine Baker*, *supra* note 74, at 560–62.

<sup>77</sup> See CWCR, *supra* note 1, at 76.

<sup>78</sup> See *id.* at 68–70.

<sup>79</sup> On Robeson's life and career, see MARTIN BAUML DUBERMAN, *PAUL ROBESON* (1988).

<sup>80</sup> See *id.* at 182–90, 205–11; HARVARD SITKOFF, *A NEW DEAL FOR BLACKS: THE EMERGENCE OF CIVIL RIGHTS AS A NATIONAL ISSUE* 164 (1978). On Robeson's support for the cause of labor unionism, see CHARLES H. WRIGHT, *ROBESON: LABOR'S FORGOTTEN CHAMPION* (1975).

<sup>81</sup> See DUBERMAN, *supra* note 79, at 295, 299–301.

<sup>82</sup> See *id.* at xi–xiii; GERALD HORNE, *BLACK AND RED: W. E. B. DUBOIS AND THE AFRO-AMERICAN RESPONSE TO THE COLD WAR, 1944–1963*, at 52–53 (1986).

<sup>83</sup> HORNE, *supra* note 82, at 52–53.

<sup>84</sup> See, e.g., Peter Jon Perla, *From Left to Center: The Appropriation of Anti-Communist Rhetoric by the Black Press and Leading Black Opinionmakers, 1946 through 1948*, at 99–104 (unpublished honors dissertation, University of Colorado, Boulder) (on file with author) (analyzing black press coverage of Robeson's fall from grace during this period).

<sup>85</sup> *Id.* at 105; DUBERMAN, *supra* note 79, at xiii.

W. E. B. DuBois, perhaps the greatest theorist of black thought, met a similar fate during this period. A graduate of Fisk University and the University of Berlin, he went on to earn a Ph.D. in history at Harvard, the first black ever to earn that degree.<sup>86</sup> In 1903, he published *The Souls of Black Folk*, a landmark book that criticized Booker T. Washington and his policy of adjustment and submission. He introduced the notion of the “Talented Tenth”<sup>87</sup>—the black intellectual elite—and wrote the memorable lines, “[T]he problem of the Twentieth Century is the problem of the color-line.”<sup>88</sup> DuBois founded the NAACP in 1909 and served as a member of the governing board and as director of publicity and research for nearly twenty-five years.<sup>89</sup> He founded and edited *The Crisis*, a leading journal of black thought.<sup>90</sup> Like Robeson, a committed socialist who visited the Soviet Union, DuBois became the acknowledged dean of Negro intellectuals.<sup>91</sup>

By the mid-1930s, however, his leftist leanings and sympathy for the communist cause were beginning to estrange him from the rest of the NAACP leadership, which was liberal and pragmatic.<sup>92</sup> When he wrote in favor of voluntary segregation and against the Association’s integrationist stance, the NAACP’s board of directors forced him to resign.<sup>93</sup> He spent the next decade as chair of Sociology at Atlanta University, after which his old organization persuaded the then-aging academic to return as Director of Special Research.<sup>94</sup> But he chafed at the Association’s moderate stance and at its embrace of official anticommunism.<sup>95</sup> Unwilling to swim with the Cold War tide, DuBois was dismissed a second time, repudiated by the very organization he had founded and nurtured most of his adult life.<sup>96</sup> By that time, the Negro press had already begun dropping his column.<sup>97</sup> Within a few years, the United States denied him a passport and the right to travel abroad.<sup>98</sup> Black colleges canceled invitations for Du-

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<sup>86</sup> W. E. B. DuBois, *THE AUTOBIOGRAPHY OF W. E. B. DuBois*, chs. VIII–X, 194 (1968); see also Perla, *supra* note 84, at 106.

<sup>87</sup> W. E. B. DuBois, *THE SOULS OF BLACK FOLK*, ch. VI (Penguin Books 1989) (1903). On the role of DuBois’ “talented tenth,” see Eric Foner, *The Remarkable Life of W. E. B. DuBois*, 30 *J. BLACKS IN HIGHER EDUC.* 130, 132 (2001) (book review).

<sup>88</sup> DuBois, *supra* note 87, at 1.

<sup>89</sup> See DuBois, *supra* note 86, at 254–76; see also Perla, *supra* note 84, at 106.

<sup>90</sup> DuBois, *supra* note 86, at 256–62; Perla, *supra* note 84, at 106.

<sup>91</sup> See Perla, *supra* note 84, at 106–07 (citing a column by Langston Hughes that conferred this designation).

<sup>92</sup> Foner, *supra* note 87, at 132 (explaining that black elites distanced themselves from DuBois during this period).

<sup>93</sup> Perla, *supra* note 84, at 110.

<sup>94</sup> *Id.* at 110–12; DuBois, *supra* note 86, at 205–35.

<sup>95</sup> Perla, *supra* note 84, at 110–12.

<sup>96</sup> *Id.* at 113–14; DuBois, *supra* note 86, at 326–39.

<sup>97</sup> Perla, *supra* note 84, at 116.

<sup>98</sup> *Id.* at 118.

Bois to speak.<sup>99</sup> DuBois, like Robeson, learned that the U.S. government had the power, at least in the short run, to write persons out of history.

The cases of Josephine Baker, Paul Robeson, and W. E. B. DuBois illustrate a carrot-and-stick policy under which African Americans who did not toe the official line and acknowledge progress, disavow communism, and support the United States abroad, learned that they would pay a great price. Unlike Jimmie Wilson and Emmett Till, whose causes the government could take up, the behavior of Baker, Robeson, and DuBois directly threatened U.S. interests. Much of the African American community, especially its institutions such as the NAACP and the black church, put up little resistance. Their loyalty was soon rewarded. *Brown v. Board of Education*<sup>100</sup> and the landmark civil rights legislation of 1964 brought immediate and dramatic—if short-lived—gains.

*B. The Panthers and Black Muslims: The Iron Fist in the Velvet Glove*

The era of black gains lasted a scant ten years. Late in the 1960s, Black Power exploded on the national scene.<sup>101</sup> Stokely Carmichael and the Student Nonviolent Coordinating Committee began questioning the pacifist strain of racial politics exemplified by Martin Luther King and the slow pace of racial reform.<sup>102</sup> The Panthers advocated guns and the right of the black community to defend itself from unlawful oppression.<sup>103</sup> The Civil Rights movement, until then prayerful, mannerly, and decorous, shifted away from the narratives of brotherhood, peace, faith, and patience. Malcolm X preached that white people were evil.<sup>104</sup> A new generation of black leaders began reading and quoting Marx, Mao, and Che Guevara.<sup>105</sup>

The implicit promise in which blacks would embrace Americanism and abjure socialism in return for modest, largely symbolic gains, was broken. The establishment responded with two weapons—lethal force and money.

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<sup>99</sup> Foner, *supra* note 87, at 132.

<sup>100</sup> 347 U.S. 483 (1954).

<sup>101</sup> See generally GILBERT MOORE, *A SPECIAL RAGE* (1971); BOBBY SEALE, *SEIZE THE TIME: THE STORY OF THE BLACK PANTHER PARTY AND HUEY P. NEWTON* (1970).

<sup>102</sup> See, e.g., GEORGE LIPSITZ, *THE POSSESSIVE INVESTMENT IN WHITENESS* 186 (1998); BELL, *supra* note 4, at 692–93, n.2.

<sup>103</sup> See *infra* note 107 and accompanying text.

<sup>104</sup> See MALCOLM X & HALEY, *supra* note 70, at 184–85, 203–05, 244–45, 306, 423–24.

<sup>105</sup> See *infra* note 109 and accompanying text.

*1. The Government's Campaign Against the Panthers:  
Force and Counterintelligence*

The Black Panther Party was a self-help, nationalist organization that began in Oakland, California, where it sponsored breakfast programs for black children and taught self-sufficiency, discipline, and black pride.<sup>106</sup> The Party also preached self-defense and the right of the black community to arm itself against aggressors such as the white police.<sup>107</sup> In the charged atmosphere that prevailed in 1967 and 1968, both aspects of the Black Panthers—the teaching of black pride and the right of forceful self-defense—were red flags to the establishment, particularly FBI Director J. Edgar Hoover.<sup>108</sup> When some of the organization's leaders began reading and teaching Malcolm X, Frantz Fanon, Marx, Mao, and Lenin,<sup>109</sup> this confirmed the government's belief that the Party had to be stopped. The organization also refused to be grateful for *Brown v. Board of Education* and federal civil rights legislation, further compounding the government's sense of affront. For the Panthers, the U.S. legal system was part of a national policy of black oppression, and what more moderate African Americans saw as breakthroughs, the Panthers and Malcolm X saw as cosmetic, token advances.<sup>110</sup> Moreover, the Panthers, like other militant organizations that sprang up during this time, were impatient with the prayerful, nonviolent strategy of Martin Luther King and the Southern Christian Leadership Conference.<sup>111</sup>

The Panthers, in short, were radically out of step with the designs of America's elites. They were ungrateful; they rejected Americanism and refused to fight in foreign wars; and, to make matters worse, they appeared poised to become respected models for other civil rights and nationalist community groups.<sup>112</sup> When government figures and major newspaper editors expressed consternation, J. Edgar Hoover's FBI was more than ready to take up a covert campaign against the Panthers. Hoover himself was a middle-class Virginian who espoused a genteel form of white supremacy.<sup>113</sup> Predisposed to distrust civil rights leaders and movements, he ordered his organization to keep an eye on Martin Luther

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<sup>106</sup> DAVID RAY PAPKE, *HERETICS IN THE TEMPLE: AMERICANS WHO REJECT THE NATION'S LEGAL FAITH* 123 (1998).

<sup>107</sup> *Id.* at 118–19, 125, 127–28.

<sup>108</sup> *See* text at notes 116–121 *infra*.

<sup>109</sup> *Id.* at 113–118.

<sup>110</sup> *See, e.g., id.* at 124. *See also* CWCR, *supra* note 1, at 222, 224 (stating that Malcolm X dismissed the 1964 Civil Rights Act as a “propaganda stunt”).

<sup>111</sup> PAPKE, *supra* note 106, at 112–16, 124–26; *see also supra* note 102 and accompanying text.

<sup>112</sup> *See* Ward Churchill, *The FBI's Secret War Against the Black Panther Party: A Case Study in State Repression*, in *RACE IN 21ST CENTURY AMERICA* 278 (Curtis Stokes et al. eds., 2001); LIPSITZ, *supra* note 102, at 186, 189, 205 (noting that other groups followed suit).

<sup>113</sup> Churchill, *supra* note 112, at 271.

King, heavyweight boxing champion Jack Johnson, Marcus Garvey, Elija Muhammed, Stokely Carmichael, the Chicano Brown Berets, Puerto Rican nationalists, the Nation of Islam, and a host of other figures and organizations of color.<sup>114</sup> He even spoke disparagingly of activists who campaigned against lynching. Their “retaliatory measures in connection with [that practice]” represented a challenge to “the established rule of law and order.”<sup>115</sup>

Anxious to reduce the Party’s influence with the black community and other civil rights organizations, the government launched an intense campaign to discredit the group and neutralize its leaders. In 1969 alone, of 295 counterintelligence operations undertaken by the FBI, sometimes in coordination with local police, 233 were aimed at the Panthers.<sup>116</sup> The government’s campaign included a media offensive designed to persuade the American public that the Panthers were dangerous,<sup>117</sup> as well as attempts to disrupt Black Panther social programs, like the breakfast program for school-age youth.<sup>118</sup> Government agents infiltrated the Panthers and other organizations such as the Student Nonviolent Coordinating Committee, (SNCC), and smeared those individuals who openly spoke in favor of the Party.<sup>119</sup> But most effective were the many pretextual raids and arrests of Party officials and the malicious prosecution of Panther leaders and activists throughout the country.<sup>120</sup> These attacks put the Party on the defensive, forced it to spend time, energy, and money on legal defense, distracted it from its social mission, and enabled the media to depict it as an organization of criminals. At least two Panther leaders—Fred Hampton and Mark Clark—were killed in a Chicago police raid. Civil rights leaders charged that they were murdered while in their beds.<sup>121</sup>

## 2. Money as a Weapon Against Radicalism of Color— *The Ford Foundation and the OEO*

In the 1960s, minority activists increasingly turned from nonviolent demonstrations for equality to more militant demands. By the end of the decade, the federal government and private philanthropies began pumping money into minority communities in the form of grants, jobs, and welfare programs.<sup>122</sup> Though largely unrecognized at the time, in retro-

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<sup>114</sup> *See id.* at 272–79.

<sup>115</sup> *Id.* at 273.

<sup>116</sup> *Id.* at 279.

<sup>117</sup> *Id.* at 267, 279.

<sup>118</sup> *Id.* at 279.

<sup>119</sup> *Id.*

<sup>120</sup> *See id.* at 267–68, 279; PAPKE, *supra* note 106, at 107, 128–32.

<sup>121</sup> TRADITION AND CONFLICT: IMAGES OF A TURBULENT DECADE, 1963–1973, at 86 (Mary Schmidt Campbell ed., 1985).

<sup>122</sup> *E.g.*, HERBERT H. HAINES, BLACK RADICALS AND THE CIVIL RIGHTS MAINSTREAM,

spect, the two phenomena now seem indisputably linked. A few activists at the time, however, did recognize the potential of grants and other forms of patronage to slow the movement for racial equality.<sup>123</sup> They charged the white elite with investing in radical racial groups in the hope of tempering their militancy<sup>124</sup> and replacing black and Chicano power with a focus on community economic development and capitalism.<sup>125</sup>

Although many foundations began pouring money into formerly radical organizations of color, the Ford Foundation took the lead.<sup>126</sup> Founded in 1936 as a Michigan-based nonprofit organization, Ford moved into national and international spheres in the years after World War II.<sup>127</sup> Under the leadership of McGeorge Bundy in the 1960s, the foundation invested large amounts of money in groups such as the Congress of Racial Equality (CORE)<sup>128</sup> in the hopes of calming the country's growing racial tension.<sup>129</sup>

The Foundation's engagement with the black nationalist movement can be traced to the National Urban League's annual banquet in 1966, when Bundy outlined his organization's objectives. Pointing out that "the white man's companies will have to take the losses" if black militants burned American cities,<sup>130</sup> he promised that Ford would provide "massive help" to black ghettos.<sup>131</sup> Ford was true to its word. In May 1967, the foundation made a \$500,000 grant to the Metropolitan Applied Research Center (MARC) in New York.<sup>132</sup> MARC used some of that money to provide Roy Innis, Harlem CORE's chapter chairman, with a six-month fellowship.<sup>133</sup> The fruits of that fellowship were seen later that year at CORE's national meeting in Oakland, where Innis' Harlem chapter announced that the group was beginning a "small business investment corporation" designed to promote economic growth within the black com-

1954–1970, at 179 (1988); DOWIE, *supra* note 73, at 205.

<sup>123</sup> See generally ROBERT L. ALLEN, *BLACK AWAKENING IN CAPITALIST AMERICA: AN ANALYTIC HISTORY* 3–15 (1969).

<sup>124</sup> *Id.* at 3–15. See also DOWIE, *supra* note 73, at 203–07 (speculating that the purpose or effect of this wave of spending may have been co-optation).

<sup>125</sup> See ALLEN, *supra* note 123, at 14–15; J. Craig Jenkins, *Channeling Social Protest, in PRIVATE INTERESTS AND THE PUBLIC GOOD* (William Powell & Elizabeth Clemens eds., 1997). Some pointed out that truly radical groups were at first shunned by America's grant-makers. DOWIE, *supra* note 73, at 208.

<sup>126</sup> See ALLEN, *supra* note 123, at 188–89 (listing expenditures or grants by various corporations to minority interest groups); RODOLFO ACUNA, *OCCUPIED AMERICA: A HISTORY OF CHICANOS* 409 (4th ed. 2000) (describing how Coors Brewing bought itself out of a boycott by Chicano activists by investing \$350 million into the Chicano community).

<sup>127</sup> See ALLEN, *supra* note 123, at 62–63.

<sup>128</sup> Along with the Student Nonviolent Coordinating Committee, CORE represented the militant wing of the Civil Rights movement. See HAINES, *supra* note 122, at 70.

<sup>129</sup> LESLIE G. CARR, "COLOR-BLIND" RACISM 101–02 (1997).

<sup>130</sup> ALLEN, *supra* note 123, at 61.

<sup>131</sup> See *id.*

<sup>132</sup> See *id.* at 122.

<sup>133</sup> See *id.*

munity.<sup>134</sup> The chapter also explained that it was demanding local control of Harlem schools.<sup>135</sup> Earlier, McGeorge Bundy had recommended that the entire New York City school system be decentralized.<sup>136</sup>

MARC used some of its grant to call a secret meeting of civil rights leaders in an effort to calm the hostility festering in Cleveland.<sup>137</sup> What MARC did not share with those who attended was that the Ford Foundation, which had been concerned about Cleveland for some time, financed the meeting.<sup>138</sup> A similar omission occurred the next year at a Black Power Conference in Newark, New Jersey. Attended by over 1300 activists from 190 organizations, a major theme of the meeting was how to channel black nationalism into a form of black capitalism.<sup>139</sup> Again, unbeknownst to most of those in attendance, the conference was financed by fifty American corporations.<sup>140</sup>

When the situation in Cleveland did not abate, Ford channeled more money, but this time it went directly into a militant organization: Cleveland CORE. The investment seems to have paid off—no riots broke out in Cleveland during the summer of 1967, and moderate Carl Stokes was elected the city's first black mayor.<sup>141</sup>

Corporate America was not alone in currying favor with nationalist movements: a key component of the Great Society was the War on Poverty, a series of federal programs designed to eradicate economic suffering. While motives for these programs ran from genuine concern for America's underclass to the Democratic party's need to lock up the black vote,<sup>142</sup> the War on Poverty also served as a national insurance policy against racial violence.<sup>143</sup> It did so, among other ways, by putting community activists on the federal payroll.<sup>144</sup> In Denver, for example, before forming the Crusade for Justice in 1966 and leading a nationwide movement for Chicano rights, Rodolfo (Corky) Gonzales began making a name for himself by denouncing police brutality.<sup>145</sup> Soon, Denver mayor Thomas Currihan appointed Gonzales to head the federally funded Denver War on Poverty and the Neighborhood Youth Corp (NYC).<sup>146</sup> Insist-

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<sup>134</sup> *See id.* at 126.

<sup>135</sup> *See id.*

<sup>136</sup> *See id.* at 127.

<sup>137</sup> *See id.* at 123.

<sup>138</sup> *See id.*

<sup>139</sup> CARR, *supra* note 129, at 102.

<sup>140</sup> *See id.*

<sup>141</sup> *See* ALLEN, *supra* note 123, at 123–24.

<sup>142</sup> *See* Frances Fox Piven, *The Great Society as Political Strategy*, in *THE POLITICS OF TURMOIL: ESSAYS ON POVERTY, RACE AND THE URBAN CRISIS* 271 (Richard A. Cloward & Frances Fox Piven eds., 1972).

<sup>143</sup> HAINES, *supra* note 122, at 146 (charging that the Office of Economic Opportunity and the War on Poverty were “meant to channel disorder in ways favorable to the interests of those in power”).

<sup>144</sup> CARR, *supra* note 129, at 101.

<sup>145</sup> ERNESTO B. VIGIL, *THE CRUSADE FOR JUSTICE* 20–21 (1999).

<sup>146</sup> *Id.* at 21–23.

ing that “They didn’t buy me when they put me in this job,” Gonzales vowed to continue his role as a Chicano activist.<sup>147</sup>

True to his word, Gonzales continued to criticize the system, which put him in conflict with the Democratic Party and the mayor.<sup>148</sup> The last straw was a speech at AFL/CIO headquarters in which Gonzales promised to continue the fight for equality through ethnic solidarity and urban organizing.<sup>149</sup> The next day the mayor fired him from his post as head of the NYC, and Gonzales resigned as head of the War on Poverty in protest.<sup>150</sup> Gonzales later criticized minority leaders who accepted patronage positions, saying, “Yesterday’s militant is today’s government employee,” and referred to those who returned to the Chicano community with such jobs as “boomerang Chicanos.”<sup>151</sup>

Around this time, Ford created the Mexican American Legal Defense and Education Fund (MALDEF) and the National Council of La Raza to serve as counterparts to the NAACP. But the two groups proceeded to organize brown power along the border in a way that challenged entrenched interests. Ford responded by moving MALDEF to San Francisco and La Raza to Washington D.C., effectively removing support for Mexican activism from where it was most needed.<sup>152</sup>

The economic support and elevation of people of color to powerful positions during this time could be viewed as a step forward. But because the measures gave white elites power over leaders of color, they also prevented the Civil Rights movement from achieving its full potential.

#### IV. CONCLUSION

Mary Dudziak’s *Cold War Civil Rights* demonstrates how the self-interest of elite groups fueled breakthroughs for blacks in order to advance U.S. strategic objectives in the Cold War with international communism. An impressive feat of historical research, *Cold War Civil Rights* strengthens the case for crediting material explanations for the uneven line of racial progress and retreat.

Historical materialism, however, is capable of much more than just explaining how the Civil Rights era began. The very same premises that enable Dudziak to show how the United States tolerated, indeed encouraged, black breakthroughs in the 1950s and 1960s also explain how that impressive period of change came to an end. This Essay posits that an implicit part of the deal that America’s power brokers offered blacks in return for black gains was blacks’ willingness to go along with America’s

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<sup>147</sup> *Id.* at 22.

<sup>148</sup> *Id.* at 24–25.

<sup>149</sup> *Id.* at 25.

<sup>150</sup> *Id.* at 26.

<sup>151</sup> *Id.* at 52.

<sup>152</sup> DOWIE, *supra* note 73, at 208–10.

strategic efforts, and, above all, to distance themselves from socialism and communism. Early visionaries such as Robeson, Baker, and DuBois were marginalized and destroyed, sometimes with the acquiescence of their own communities. Later, when leaders of color took a more militant stance, the government, acting in concert with major philanthropies, offered an irresistible combination: deadly force for Panthers and other militant nationalists, coupled with patronage, jobs, and lucrative salaries for leaders who did the establishment's bidding.

With early rumblings of discontent over America's domestic policies and the inexorable reality of rapid growth in minority populations, what will the next manifestation of elite self-interest be today? Will the establishment choose one minority group for favored treatment—perhaps offering it reparations and a continuation of affirmative action in return for its support for a policy that marginalizes all the rest?<sup>153</sup> With the demise of the Soviet Union and absence of any international competitor, other than the threat of terrorism, will U.S. leadership lack any incentive to advance domestic minorities' cause? Or will global capitalism provide the spur for U.S. workers and minorities to form coalitions with counterparts overseas in opposing exploitative practices that oppress them all?<sup>154</sup>

If Dudziak's book teaches any lesson, it is that progress for marginalized groups comes most easily when a strategic concession benefits power brokers in government and industry. Without an alignment of interests, the road to reform is long and dark. At the moment, the mood of the country, as in much of the West, favors investment and revenge over social justice and redistribution. Minorities and other outgroups are divided and lack leaders.<sup>155</sup> Still, the antiglobalism demonstrations that broke out in Seattle, Chiang Mai, Toronto, Prague, and Genoa show that protest is still capable of generating a hearing for new ideas,<sup>156</sup> while the Internet offers means by which large numbers of the discontent may nurse common grievances.<sup>157</sup>

As the country and world continue to diversify and the gap between the wealthy and the rest widens, the threat of disruption may come to

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<sup>153</sup> Charles Krauthammer, *A Grand Compromise*, WASH. POST, Apr. 6, 2001, at A37. On the designation of "pet" groups for favored roles and overseer status, see Richard Delgado, *Rodrigo's Fourteenth Chronicle: American Apocalypse*, 32 HARV. C.R.-C.L. L. REV. 275, 292-97 (1997); Richard Delgado & Noah Markewitz, *Making Pets, Social Workers, "Problem Groups," and the Role of the SPCA—Getting a Little More Precise about Racialized Narratives*, 77 TEX. L. REV. 1571 (1999).

<sup>154</sup> See Delgado, *supra* note 10, at 2296 (discussing student-worker protests of the work of the World Trade Organization and of the World Bank).

<sup>155</sup> *E.g.*, CORNEL WEST, RACE MATTERS 33-46 (1993) (deploring the lack of black leadership).

<sup>156</sup> *E.g.*, Luis Cabrera, *USA: Seattle WTO Protests Mark New Activist Age*, Nov. 25, 2000, at: <http://www.corpwatch.org/news/PND.jsp?articleid=314>.

<sup>157</sup> See MICHAEL HARDT & ANTONIO NEGRI, EMPIRE 297-300 (2000).

haunt the consciousness of ruling elites sufficiently that change may come once again, however slowly and haltingly.<sup>158</sup>

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<sup>158</sup> See *German Minister Condemns Violence at G8 Summit, Urges Reforms*, DDP NEWS AGENCY (Berlin 2001), reprinted in BBC WORLDWIDE MONITORING, July 23, 2001, available at LEXIS BBC Summary World Broadcast; Roberto F. de Ocampo, *Globalization and the Challenge of the New Trilateralism*, BUS. WORLD (Phila.), July 5, 2001, at 4.