

*Constitution to
Racist America by Joe Feagin
Eds, Current realities African Americans*

Since the antislavery efforts of the Harper's Ferry band in 1859, a long line of whites, blacks, and others of color have worked together, often against enormous opposition, to bring freedom and justice for all Americans. Recall the creation of the NAACP in the early 1900s, an organization seeking to fight racial exclusion. For many years this organization had black and white officials at its head. In addition, the black-led civil rights movement of the 1950s and 1960s had participants from several different racial and ethnic groups, including many whites. In a social system there seem to be only a few high leverage points from which to precipitate lasting changes, and U.S. history suggests that large coalitions of black and non-black Americans working against racism can create such high leverage points.

Antiracist Organizations Today Over the last several decades, antiracist whites have helped to organize or have joined in a number of grassroots organizations working against U.S. racism. For example, the Institutes for the Healing of Racism hold seminars and dialogues on racism in more than 150 cities. These multiracial groups of Americans work at the local level to heighten awareness of racism, educate local citizens about how racism works and how to fight it, and provide dialogue across local racial and ethnic boundaries. These groups deal openly with racist prejudices and the reality of institutional racism.⁶²

Typical of the range of current antiracist organizations are the People's Institute for Survival and Beyond (PI) and Anti-Racist Action (ARA). Located in New Orleans and created by black activists, PI is a community-oriented group that sets up "Undoing Racism" workshops to train people in community and nonprofit organizations. These multiracial workshops, which had trained about twenty thousand people (about half of them white) as of 1999, are designed to help officials in organizations and community activists understand racism and cultural diversity and to show them how they can undo racism in their own lives and in their organizations. Taking a somewhat different tack, the mostly white ARA groups are working aggressively against racism in several dozen cities in the United States and Canada. Originally established to combat neo-Nazi and Klan organizations, ARA groups have developed other antiracist programs. For example, their Copwatch program attempts to reduce police brutality by having members take video recorders into the streets to tape the police in their dealings with citizens of color. While their objectives and timing have varied, several other organizations have also pressed for changes in institutionalized racism across the United States. A sampling of these would include the Dismantling Racism Program of the National Conference (St. Louis), the Anti-Racism Institute of Clergy and Laity Concerned (Chicago), the Northwest Coalition Against Malicious Harassment, the Southern Empowerment Project, and the Committee Against Anti-Asian Violence.⁶³

One next step in a broad antiracist strategy for the United States might be to expand the number of these antiracist organizations and to connect them into a national association working against systemic racism. Broad organizations against racial and ethnic oppression seem to be needed, though sustaining them may be difficult. For example, since the 1980s the Reverend Jesse Jackson, the black civil rights leader, has worked with Americans from several different racial and ethnic groups, including whites, to build the Rainbow Coalition. This organization has pressed for key social justice goals: better jobs and government job creation; more aggressive government efforts against racism, sexism, and homophobia; and government efforts to protect the environment. For a decade the organization helped to win some progressive electoral battles in various states and supported Jackson's bid for the presidency. However, after a period of influence in the 1980s and early 1990s, the organization seemed to decline in its national impact by the late 1990s. Today there are numerous other movements organizing Americans of color and white workers against injustice. One example is the New Party, an alliance of labor, community, and environmental coalitions working for social justice goals, including the rights of workers, consumers, and communities to organize without interference; the creation of a sustainable economy and full employment; and "an absolute bar to discrimination based on race, gender, age, country of origin, and sexual orientation."⁶⁴ With this social justice agenda, the New Party has won a number of local and state elections across the country. Renewed efforts at coalitions like the Rainbow Coalition and the New Party might be a valuable aspect of a broader antiracist and antiofferpression strategy.

A New Constitutional Convention: An Idea Whose Time Has Come In 1787 fifty-five white men met in Philadelphia and wrote a Constitution for what was seen as the first democratic nation. They met at the end of a long revolutionary struggle and articulated their perspective using strong language about human equality and freedom. However, they had a very restricted view of those grand ideas. As we saw in chapter 1, this Constitutional Convention did not include white women, African Americans, or Native Americans, who collectively made up a majority of the population. Nor did it include representation for white men with little or no property. The representatives of less than 10 percent of the population framed a new constitution that has governed, with some amendments, the United States since the late eighteenth century. The document created by these propertied white men reflected their racial, class, and gender interests. While some of these interests encompassed the desires of all Americans to be free of the tyrannies of Europe—such as the constitutional prohibition of aristocratic titles and of a state religion—it took strong protests in the colonies before a Bill of Rights was added.⁶⁵

The 1858 Constitution Not one of the original Constitutional Convention's delegates saw black Americans as human beings whose views, interests, and perspectives should be seriously considered in the document being created. How then

should black Americans, whose ancestors were present in large numbers in the nation but excluded at the convention and whose enslavement was ratified by the Constitution, regard the document? Why should they accept the authority of a constitution their ancestors played no part in making? As I see it, this undemocratic Constitution and its often biased tradition of pro-white interpretation ~~should be replaced~~ for this tradition has constrained progressive change forward equality and justice for too long. All attempts to change the system of racism since the late 1700s have been constrained by this document and the interpretations of it by the mostly white and male judges and members of Congress holding office since that time. All court decisions on racial discrimination, the amendment abolishing slavery, all civil rights laws, and all civil rights efforts have been made within this biased and constraining framework. The American democratic project yet remains to be accomplished.

Significantly, only one multiracial group of Americans has, to my knowledge, tried to formulate and implement an antiracist constitution and declaration of independence. On May 8, 1858, more than a year before the Harper's Ferry raid, John Brown and his allies, black and white, met in Chatham, Canada, to formulate a new constitution to govern the band of revolutionaries fighting for liberty—a constitution looking forward to a new antiracist nation of the United States. Twelve white Americans and thirty-three black Americans were present at this convention. The preamble to the document they created read as follows:

Whereas slavery, throughout its entire existence in the United States, is none other than a most barbarous, unprovoked and unjustifiable war of one portion of its citizens upon another portion . . . in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence: therefore, we, citizens of the United States, and the oppressed people who, by a recent decision of the Supreme Court, are declared to have no rights which the white man is bound to respect, together with all other people degraded by the laws thereof, do, for the time being, ordain and establish ourselves the following provisional constitution and ordinances, the better to protect our persons, property, lives, and liberties, and to govern our actions. ⁶⁶

Their declaration of independence further insisted "that the Slaves are, & of right ought to be . . . free." ⁶⁷ This 1858 constitution and declaration of independence appear to be the only ones in U.S. history to be prepared by representatives of the oppressed black residents of the United States, with their interests substantially in mind.

A New Constitutional Convention As I see it, it is time to have yet another constitutional convention, one that represents all Americans. The base of the U.S. system must be replaced if systemic racism is to be removed, just as the sinking foundation of a dilapidated building must be replaced. A new convention is required

not only to address restitution and rights for oppressed groups but also to ensure that the governing document of the new multiracial democracy is produced by representatives of all the people. The egalitarian and democratic ideas associated with the Bill of Rights and U.S. civil rights laws could well be points for important discussion at this new convention. However, no existing laws should automatically be part of a new constitution because the meaning of these laws usually rests on their interpretation by the current white-male-dominated judiciary.

What would be a more adequate set of starting points in beginning the debate on a constitution for a true multiracial democracy? The new convention might use the United Nation's Universal Declaration of Human Rights and related human rights documents that have expanded that declaration (especially those on women's rights). First ratified in 1948 by the United Nations, the declaration today represents a growing consensus across the globe on what human rights are essential for a healthy society (see below). Without respect for a broad array of basic human rights there can be no democracy. Thus, the official call for the new convention might indicate a grounding of its discussions in a mutual respect for the broad human rights of all Americans and in a mutual respect for the plurality of U.S. cultures and heritages.

Some civil rights scholars and leaders have opposed the idea of a new constitutional convention because they fear the white majority there might roll back existing civil rights protection, that the situation could be made worse. For example, Roy Brooks has criticized an earlier framing of this idea of a new convention because it "would open debate and reconsideration of the existing document, and the consequences could be dire." ⁶⁸ He fears that in a society where many whites appear to be moving in a more racist direction that a new convention might be dominated by conservative whites and ban such things as free speech and reproductive rights.

These fears are reasonable if the new convention were to be dominated by white male conservatives. However, in my hypothetical scenario the convention would not take place unless those who write the new constitution are fully representative of all sectors of the current population. No other arrangement will create the necessary conditions for full and open debates on matters of concern to all the people. If the convention were to be held in the early part of the new millennium, this stipulation would mean that white men would be about 36 percent of the delegates, instead of the 100-percent representation they had at the first convention. Indeed, that 36 percent would include a much more diverse array of white men—such as labor union and gay rights activists—than those at the first convention. In addition, more than a quarter of the delegates would be Americans of color, and women would make up a little more than half of the delegates. Moreover, if the convention were to be delayed for a few decades, the majority of delegates might well be people of color.

Prior to calling an official convention those committed to the creation of a

diverse and viable democracy might set up a trial constitutional convention to test how such a truly representative convention might be called and how it would operate in dealing with an array of difficult decision-making, human-rights, and related political issues. Indeed, there could be a practice convention in each U.S. region, which might well generate important human rights and other political debates in every area.

A truly representative assembly would insure that, for the first time in U.S. history, the white majority hears much discussion of, and faces pressure to take seriously, the group interests and rights of all Americans of color. This assembly will be diverse enough that many decisions on constitutional provisions will have to be negotiated among contending groups; they will require a consideration of the originally excluded interests of women and Americans of color, as well as of the more recently asserted interests of gay and disabled Americans. As with the first convention, the debates will likely be revealing and educational, not only for delegates but for the nation as a whole. These debates would likely remove the smoke-screen disguising the undemocratic reality of U.S. society and show unequivocally how racial, gender, class, and other forms of exploitation operate to the detriment of many Americans. A true democracy is one in which all people are not only represented but also have equitable input into the creation of its laws and political institutions. Moreover, this new constitutional convention is only a first step. A truly democratic constitution becomes the political basis on which to build an array of effective democratic institutions.

For all its possible difficulties, a new constitutional convention seems required not only to guarantee full human rights for previously excluded Americans but also to insure that the new founding document is actually made by the representatives of all Americans. Even if this convention is a failure, and the white majority there creates a more racist system, that would at least mean a more honest and open system of exploitation, one not hiding behind a veneer of equality and colorblindness. Such a convention might be an important part of a reinvigorated antiracist strategy to build a new democratic foundation for the United States. Equally as important to this antiracist strategy is the symbolism of having a truly representative assembly making the nation's constitution. Once those who have never participated in politics see that their representatives have been actively involved in making the founding document, commitment to the new democracy will likely increase. A strongly democratic constitution—with broad citizen participation in its associated institutions and recurring citizen activism on behalf of human rights—seems the only guarantee of liberty and freedom.

Restitution and Reparations As yet, no major group of white Americans has taken responsibility for the past and continuing negative impact of slavery, segregation, and modern racism on black Americans. For the most part, white leaders and rank-

and-file whites have ignored or rejected proposals for large-scale reparations and compensation for those who have suffered from systemic racism. Indeed, in the late 1990s President Bill Clinton entertained, then rejected, the idea of a formal public apology to African Americans for slavery. Even the suggestion of an apology was attacked by many whites. Once there is a new constitution in place, a comprehensive antiracist strategy would likely require an early addressing of reparations for the damage done by centuries of oppression to African Americans and other Americans of color. Let us consider here the African American case.

Arguments against Restitution and Reparations Recall how presidential candidate Bob Dole questioned whether white men should have to pay through programs like affirmative action for slavery and discrimination before they were born. Today a majority of white Americans would likely still answer "no." The common reaction would be, "Let bygones be bygones." The unjust enrichment gained by whites over centuries should be forgotten. Such collective forgetting is one way in which whites handle the tension between the values of liberty and justice and the long history of racist oppression. Unquestionably, this distancing of oppression is useful in the construction of a rationalizing ideology. However, there are major problems in the argument that whites should not be accountable for what their ancestors did, as many whites say, "hundreds of years ago." For example, slavery ended less than 140 years ago. Some black Americans are only a couple of generations removed from their enslaved ancestors. Moreover, the near slavery of legal segregation only came to an end in the late 1960s, well within the lifetimes of many Americans alive today.

In the thinking of most white leaders and the white public, the actions of the founders and later political leaders that have benefited whites are given great weight and legitimacy. Such actions include the making of the Constitution and subsequent court decisions interpreting the Constitution in the interest of whites. However, according to the prevailing white view, the racially oppressive actions by the same white founders and later leaders should be forgiven and forgotten by those whose ancestors were victimized by their oppressive actions. Not surprisingly, a majority of whites do not see the earlier structures of oppression like slavery and legal segregation as relevant to present-day racial inequalities. Nonetheless, these whites will insist that black Americans accept the Constitution and laws established by whites as binding on them, even though they had no say in the laws' creation. Richard Delgado has summarized this point well in the form of a comment from a black professor: most whites insist that blacks "owe obligations arising out of that social contract, but no obligation is owed to us arising from the abuse we suffered in connection with it. Ahistorical young conservatives want the benefit of social compliance from blacks with a system that provides young whites with security, schools, and liberty. But they don't want to pay for it by recognizing a debt they owe blacks arising from their forefathers' wrongs."⁶⁹

Another common white argument against restitution and reparations is that societal discrimination against black Americans is too impersonal and amorphous for the development of remedies. In several recent federal court cases, such as the aforementioned Croson case, the majority of judges have accepted the view that while there may still be some societal discrimination, no one can determine who in particular is responsible and who has benefited. As a result, these judges argue, one cannot expect government officials to take action to redress the continuing societal discrimination. Martin Katz has pointed out the wrongheadedness of the majority opinion in Croson: if injuries from past or present discrimination cannot be remedied, then "whites will be allowed to retain an advantage which they did not earn, and Blacks will continue to lag behind as a result of acts which, although they may not be amenable to documentation, no one denies were performed in contempt of individuality. Racism has made race relevant to productivity. Treating race as if it were irrelevant will not help to make it any less relevant."⁷⁰

The Case for Restitution and Reparations In the Charter of the Nuremberg Tribunal convened to deal with Nazi war crimes after World War II, "crimes against humanity" were defined as "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population. . . . whether or not in violation of the domestic law of the country where perpetrated."⁷¹ White Europeans and white Americans have a long tradition of such crimes against humanity. The large-scale enslavement and oppression of Africans across the globe for more than four centuries was, and remains, one of the most serious of the "crimes against humanity."

Most whites have benefited from centuries of racist oppression and the transmission of many privileges and substantial amounts of ill-gotten wealth from that oppression to later generations. As we have seen in previous chapters, enslaved Africans and African Americans created much wealth and capital that to a significant degree spurred not only the economic development of the South but also the industrial revolution in the United States and in Europe. "Western production levels were transformed," Ali Mazrui informs us. "But so were Western living standards, life expectancy, population growth, and the globalization of capitalism. How do we measure such repercussions of slavery?"⁷² The current prosperity, relatively long life expectancies, and relatively high living standards of whites as a group in the United States, as well as in the West generally, are ultimately rooted in the agony, exploitation, and impoverishment of those who were colonized and enslaved, as well as in the oppression and misery of their descendants. As we have seen throughout this book, white Americans as individuals, families, and communities have done much damage to black Americans. This damage is not just in the past, for black Americans today suffer from the many psychological, economic, political, and social costs of past and present racism.

Recall that in traditional Western law the concept of unjust enrichment

includes not only receiving benefits that justly belong to another but also the obligation to make restitution to victims. Numerous court decisions have provided remedies measured more by the gain to a defendant than by a plaintiff's loss. The defendant must give up the unjust enrichment, including gains made from it.⁷³ Thus, U.S. law does not allow the children of a thief to benefit from the theft once that illegal action is known. However, the law on remedies has traditionally ignored group claims against unjust enrichment, and systemic racism involves injuries to a large group. An antiracist strategy might well extend the remedies law aggressively to conditions of group discrimination and oppression. Whites whose families have been in North America for a generation or more, which is the majority, benefit today from the significant racial advantages that their ancestors gained, often including gains under slavery or segregation. A majority of whites have benefited from the economic, political, social, and educational discrimination that favored their ancestors — and still favors themselves today (see chapter 5). As with individual remedies, group remedies should encompass stopping the unjust extraction of benefits now and in the future (prospective action) as well as making restitution to the victim group for past actions (retrospective action). Restitution and reparations are inadequate without stopping the processes that distribute, maintain, and increase the ill-gotten gains for present and future generations.

Interestingly, a few white judges have recognized the principle of large-scale restitution as relevant to eliminating the effects of past discrimination. In one 1980s case, *Larry Williams et al. v. City of New Orleans, et al.*, liberal appellate justice John Wisdom argued in a partially dissenting opinion that the Congress that crafted the antislavery amendments to the Constitution and a major civil rights act at the Civil War's end intended to grant the federal government power "to provide for remedial action aimed at eliminating the present effects of past discrimination against blacks as a class. Wholly aside from the fourteenth amendment, the thirteenth amendment is an affirmative grant of power to eliminate slavery along with its 'badges and incidents' and to establish universal civil freedom. The amendment envisions affirmative action aimed at blacks as a race. When a present discriminatory effect upon blacks as a class can be linked with a discriminatory practice against blacks as a race under the slavery system, the present effect may be eradicated under the auspices of the thirteenth amendment."⁷⁴ Given this historical argument, one can understand why many whites wish to break the historical link to past oppression. Recognition of that linkage creates great pressure for compensation and restitution.

Support for Some Reparations Most white Americans probably would consider significant reparations for group-based damages suffered by black Americans to be a radical and undesirable policy. However, white political leaders, white judges, and even ordinary whites have on occasion accepted the principle of reparations for past damages done to other groups. For example, U.S. courts have required

corporations to compensate the deformed children of mothers who in the past took harmful drugs during their pregnancies without knowing of the drug's side effects. The courts have held that such harm done to later generations was foreseeable by the corporate executives in power at that earlier point in time. The argument that those executives are gone or deceased was not allowed to take the corporation off the hook. Harmed children received significant compensation even though the damage became evident only years later.⁷⁵ This compensation principle is essentially the same as that asserted by those arguing for reparations for African Americans, whose current conditions often reflect the damage done by many earlier generations of whites.

Significantly, the U.S. government has justifiably been active in efforts to force the German government to make large-scale reparations (about \$60 billion) to Jewish and other victims of the Nazi Holocaust, even though no one in the current German leadership that is making the reparations was part of the Nazi government. Occasionally, U.S. leaders have also recognized a reparations principle in regard to discriminatory action taken against U.S. citizens. Belatedly, and after years of resistance, the U.S. government agreed to pay some very modest reparations to Japanese Americans wrongfully interned as "dangerous" in barbed-wire internment camps in the United States during World War II. In 1987 Congress passed a law including a formal apology to Japanese Americans for their oppressive internment, which was undertaken for essentially racist reasons, and providing \$1.2 billion in reparations. Significantly, this modest compensation was not made until Japanese Americans had a strong partner in an increasingly powerful Japanese government.

Specific Proposals for Black Reparations From the earliest days of abolitionist activity in the eighteenth and nineteenth centuries black leaders and their white allies argued that abolition of slavery and citizenship for African Americans were not enough. Some restitution enabling those freed to provide for their families was required. As we discussed in earlier chapters, during and after the Civil War anti-slavery leaders called for compensation for newly freed African Americans. At an 1865 Republican convention in Pennsylvania, one important congressional leader, Thaddeus Stevens, called for the taking of 400 million acres from former slaveholders. Another leading abolitionist, Senator Charles Sumner (Massachusetts), called for land grants to those recently enslaved. Legal equality was not enough, for that would not eradicate the "large disparities of wealth, status, and power."⁷⁶ In 1866 and 1867 reparations legislation was brought to Congress, but it failed. After the southern oligarchy resumed control in the late 1870s, little was heard on the matter of assistance or restitution to those recently freed from slavery. Since the 1960s civil rights movement the idea of reparations has seen a major resurgence. In a 1963 book Dr. Martin Luther King, Jr. called for compensation for the slavery, segregation, and continuing discrimination faced by African Americans.

He recognized the principle of compensation for stolen wages.⁷⁷ Recall too the 1994 petition by the Nation of Islam to the United Nations for reparations for antislavery racism.

Over the last few decades scholars and activists have developed several international campaigns for reparations to Africans or African Americans. In mid-1992 a dozen experts were selected by the Organization of African Unity to develop a campaign for African reparations like those provided by the German government to Nazi Holocaust survivors. Moreover, in March 1996 the British House of Lords had a serious debate on the impact of slavery on Africa and Africans, with a few members of that House proposing the idea of reparations to Africa from Britain and other colonial nations. Lord Anthony Gifford eloquently defended the idea that international law requires those who commit crimes against humanity, including enslavement, to make significant reparations to their victims or their descendants. He noted there is no statute of limitations for crimes against humanity, so the still-harmed descendants of earlier victims of oppression deserve reparations. He also offered a concrete procedure, saying, "The claim would be brought on behalf of all Africans, in Africa and in the Diaspora, who suffer the consequences of the crime, through the agency of an appropriate representative body. . . . The claim would be brought against the governments of those countries which promoted and were enriched by the African slave trade and the institution of slavery. . . . The amount of the claim would be assessed by experts in each aspect of life and in each region, affected by the institution of slavery."⁷⁸ Such a debate needs now to be held in the U.S. Congress. Indeed, every year since 1980 Congressman John Conyers, Jr. (Michigan) has introduced a bill in Congress to set up a commission to look into the continuing impact of slavery on black Americans and to examine the possibility of reparations for slavery and its lasting impact. A key feature of the commission would be to educate the public, especially the white public, on the racist realities of U.S. history. While Conyers has been unable yet to secure hearings on his bill, he has gotten thirty-one cosponsors and continues to work patiently for a public discussion of reparations. As he had recently commented, some day the "most hidden, important, silent subject we've ever had in this country" will come to the forefront. He added, "what we're trying to do now is just get the debate going to see where it will lead us."⁷⁹

In the case of African Americans, reparations might take several different but interrelated forms. One type of action would be the transfer of an appropriate amount of compensating wealth from white communities to black communities. For instance, the National Coalition of Blacks for Reparations in America (N'COBRA), which is developing a reparations lawsuit, has sought nearly \$400 million in reparations—not just individual compensation but provision of programs enabling black communities to prosper over the long term. One way to make some restitution is to provide well-funded and extensive programs, over several

generations, at the local and state levels for upgrading the incomes, education, and skills of black Americans as individuals. A similar program could provide government resources to significantly upgrade major public facilities, including public schools, in all black communities. Yet another type of reparations would guarantee representative political participation in all local, state, and national legislatures—so that black Americans could have an appropriate voice in government decisions about their communities. These programs could be critical steps in an anti-racist strategy designed to restore African Americans to the place they would have been, had not trillions of dollars worth in wealth been taken from them by means of slavery, segregation, and contemporary discrimination. Even the beginning of reparations would have significance beyond the monetary compensation, for it would constitute a dramatic symbolism, a recognition of the damage done by whites under nearly four centuries of systemic racism.

Building a Real Democracy It appears that few white Americans have ever envisaged for the United States the possibility of a truly just and egalitarian democracy grounded solidly in respect for human rights. Certainly, the founders did not conceive of such a possibility, even in the long run. Nor did later white leaders such as Presidents Abraham Lincoln, Woodrow Wilson, Franklin D. Roosevelt, and Dwight D. Eisenhower envision that type of democratic future. In my judgment, as the nation and the world change demographically and dramatically in the future, whites everywhere will face ever greater pressures to create and to participate in a new sociopolitical system that is nonracist, just, and egalitarian.

A Standard for Expanded Rights As another phase in a comprehensive anti-racist strategy, Americans might be pressed to think futuristically and rigorously in terms of what an authentic democracy might be like. Americans, especially white Americans, might be pressured to step outside the existing U.S. system, as best they can, to think carefully about an ideal humane society. To evaluate the U.S. system and suggest a replacement, we might begin by drawing on the international rights perspective as described in the Universal Declaration of Human Rights—a perspective that views every person as having a broad range of basic rights by virtue of being human. The idea that basic human rights transcend the boundaries and authority of any particular society or government was early articulated by Thomas Jefferson and his fellow revolutionaries. Today, we need to extend this idea well beyond what the founders envisioned. The international perspective on human rights was greatly strengthened by the Nuremberg trials of former members of the Nazi government just after World War II. The trials established the principle that some crimes, “crimes against humanity,” are so extreme that they are condemned by principles higher than the norms and laws of any particular nation-state.⁸⁰

The struggle to deal with the Nazi Holocaust, together with ongoing struggles for human rights by people in many countries around the globe—including black

Americans in the United States—led to the Universal Declaration of Human Rights. This important international agreement stipulates in Article 1 that “all human beings are born free and equal in dignity and rights,” and in Article 7 that “all are equal before the law and are entitled without any discrimination to equal protection of the law.” Article 8 further asserts, “Everyone has the right to an effective remedy . . . for acts violating the fundamental rights,” and Article 25 states that these rights extend to everyday life: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing.” Since 1948 numerous other international covenants on economic, social, and political rights have been signed by most United Nations members, and agencies like the UN Commission on Human Rights have been established to monitor human rights issues globally. The UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD), put in force in 1969, specifically requires governments to make illegal the dissemination of ideas of racial superiority and the operation of organizations set up to promote racial discrimination. This convention, first ratified by some nations in the late 1960s, was ratified by the United States only in 1994. Today CERD commits the U.S. and other governments to “adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations.”⁸¹ These agreements provide some legal support for implementation of the human rights principles of the Universal Declaration of Human Rights.

International Pressure for Change Since its adoption the Universal Declaration of Human Rights has been used in crafting many international treaties and agreements, and many of its major provisions are part of international law. Virtually all international documents on human rights at least allude to this declaration. At a 1993 World Conference on Human Rights more than one hundred nations reiterated support for its principles. Court systems in numerous nations have cited the declaration—on occasion in overturning patterns of discrimination. The United States has made less use of the declaration than many other nations. As of 1999, the Declaration had been cited in only 101 of the many U.S. federal court decisions, and then usually in an insignificant footnote. The Declaration has been cited only five times by the U.S. Supreme Court, and *not at all since 1970*. To this point in time, most U.S. courts have been unwilling to take this strong international statement of broad human rights seriously.⁸²

Recently, the International Human Rights Law Group (IHLG) has begun an effort of public advocacy and assistance to U.S. civil rights groups that seeks to show the latter how they can use the language and techniques of international human rights agreements to further the antidiscrimination cause in the United States. This advocacy group is seeking to go beyond traditional civil rights approaches to build broad coalitions and familiarize civil rights groups with knowledge of international human rights laws. They hope that placing continuing racial

discrimination in the United States in the international spotlight will pressure the U.S. government to take more action to eradicate discrimination.⁸³

The comprehensive human rights perspective expressed in these UN documents draws not only on the progressive human rights traditions of Europeans but also from the human rights insights and perspectives of Native, African, Latino, and Asian Americans, and of other peoples around the globe. These UN agreements strongly affirm that human beings have rights independent of particular governments and press those governments to incorporate basic human rights into their everyday operations. They provide an internationally legitimated standard that can be used to judge and critique systemic racism in the United States. As noted above, they can be the basis for discussion at a new constitutional convention. Implementing this egalitarian standard of human interaction and development by new institutionalized arrangements to effect real democracy would dramatically restructure or eliminate current racist structures and institutions.

Major change away from racist institutions will require much more than one-way integration into existing institutions. Multifaceted integration and adaptation are critical—among European Americans, African Americans, and all other Americans of color. Dr. Martin Luther King, Jr. once spoke of the movement of black Americans to be “creative dissenters who will call our beloved nation to a higher destiny,” and not to seek to integrate “into existing values of American society.”⁸⁴ A new U.S. society will require new human rights commitments, which will perhaps lead to the higher destiny that Dr. King contemplated. Ideally, the new social system would insure equality and justice in practice as well as in principle.

Certain human needs seem universal: the need for self-respect, for substantial control over one's own life, for significant group self-management, and for access to the necessities of material life. In an authentic democracy there would need to be respect for a diversity of individuals, communities, and cultures. In the process of societal change, European Americans would come to view themselves as what Martin Luther King has described as “limited beings with limited powers, existing in a culture among cultures.”⁸⁵

Links with Other Antioffpression Efforts Ultimately, a robust democracy is not possible without an ~~elimination~~ of all major types of oppression. Significant destruction of systemic racism is likely to be corrosive of other types of oppression. In this relatively short book, even as I have tried to dig deeply into one major type of social oppression, I have needed to discuss, albeit too briefly, some connections between racial, class, and gender oppression. Numerous scholars have noted the important interconnections between these types of oppression. For instance, Sandra Harding has argued that “We should think of race, class and gender as interlocking: one cannot dislodge one piece without disturbing the others.”⁸⁶ Not only racist structures, but capitalistic, sexist, homophobic, ageist, and bureaucratic-authoritarian arrangements will have to be dismantled if the lives of individuals

and the functioning of their communities are to be democratic and rid of anti-human oppression.

Historically, Marxist analysis has played perhaps the greatest role in generating protest movements against oppression in modern societies. Labor movements, many of them inspired by Marxist analysis, have brought improvements to the lives of workers in capitalist systems. Clearly, all Americans need access to sufficient economic, housing, and other social resources. Labor progressives have long argued that a full-fledged economic democracy is a requisite step in destroying structures of oppression and exploitation.⁸⁷ There are strong similarities and cross-cutting linkages between antiracist and class struggles. Ordinary white workers are exploited by the capitalist class and the latter's political and intellectual elites. White workers have little role in how their workplace or the general economy is run. However, as we have seen in earlier chapters, the white elite has worked hard to secure the acceptance of the existing racial and class hierarchies by white workers by offering them the psychological wage of whiteness, and white workers as a group have more privileges and opportunities than black workers.⁸⁸ A successful antiracist coalition across the color line will need to deal with white workers' commitments to racist privileges, stereotypes, and practices. Ultimately, many aspects of societal oppression will have to be dealt with, including not only antiblack and other racism among white male and female workers but also sexism among men of color and homophobia among whites and people of color.⁸⁹

Clearly, there are multiple societal oppressions, and no one analysis can adequately deal with all major oppressions. My argument in this book is that systemic racism is a central part of the foundation of U.S. society, and that a deep understanding of racism's history, framing, character, operation, and maintenance is essential both to making sense of this society generally and to destroying racist oppression. Having set this task, by no means do I downplay the importance of analyzing and fighting the other types of social oppression central to U.S. society, including class exploitation, sexism, and homophobia.

Over the last century there has been much conflict between those in one group fighting against a particular type of oppression and those in another group contending against yet another oppression, and so far there has been little joining together in more general antioffpression efforts. Yet at the heart of each of these social movements are certain paramount issues that can be accentuated by those seeking to build successful coalitions now and in the future. Perhaps the most important idea held in common is that of ridding the society of oppressive domination by one group over another, together with the related idea of self-determination to the fullest extent possible for every group. With great effort and new imagination in organizing, perhaps this shared vision of a nation free of all such oppression and domination can be used to build successful coalitions in the future.

Conclusion Antiracism is more than a theoretical framework organizing, explain-

ing, and interpreting the realities of systemic racism. Antiracism now and in the past has encompassed numerous strategies to eradicate racism. Many researchers have studied racial oppression. The point is to eradicate it.

The eradication of systemic racism requires more than removing inequalities and disparities in existing institutions. Steps in the direction of removing discrimination and inequalities, as we have seen, are important and will improve people's lives. However, the full eradication of racism will eventually require the uprooting and replacement of the existing hierarchy of racialized power. A developed antiracist strategy will eventually go beyond reform of current institutions to the complete elimination of existing systems of racialized power. One analysis of liberation strategies for the United States concluded that "oppressors cannot renounce their power and privilege *within* a racist relationship; they must *abandon* that relationship. . . . there is no historical example of genuine, peaceful abdication of racist supremacy by the whole ruling group."⁹⁰ Historically, oppression leads to conflict, and major conflict often leads to significant social change. Most of the progressive developments in human rights in the United States and across the globe have come only after large-scale protests, people's movements, civil disobedience, open conflict, and revolutions. As Paul Lauren has noted, from the emancipation of slaves after the French Revolution and United States Civil War to the gaining of independence by colonial peoples after World Wars I and II, the cause of human rights invariably has required some drastic upheaval to shift power away from those unwilling to share it voluntarily.⁹¹ Antiracist theorists and activists cannot prove that there will be change again, but they can act on the assumption that it is likely. As Ben Agger has noted about antiracism theory generally, "the future is a risk, a choice, framed by the past, the legacy of which is difficult to overcome. But critical social theorists . . . are certain that the past and present do not neatly extend into the future without any slippage."⁹² Human agency is possible in spite of oppressive structures, but it must be regularly supported and regenerated.

Why should whites support major changes in the system of racism? We have described the reasons that most whites resist societal change. Yet, we have also seen reasons for change as well. One is general but essential: whites have a moral obligation to take action, as individuals and as groups, to overturn the system of racism that they and their ancestors have created and make meaningful the clichés of freedom, equality, and justice they often proclaim. Jean-François Lyotard has underscored the deeper standard here: "Thou shalt not kill thy fellow human being: To kill a human being is not to kill an animal of the species *Homo Sapiens*, but to kill the human community . . . as both capacity and promise. And you also kill it in yourself. To banish the stranger is to banish the community, and you banish yourself from the community thereby."⁹³ Destroying the racial other means destroying one's own humanity.

If there is no real societal change in the near future, pressures for change will increase dramatically as whites become an ever smaller minority of the population over the course of the twenty-first century. As Abraham Lincoln once predicted, a "house divided against itself cannot stand." At the time, Lincoln's provocative metaphor accented the centrality and contradictions of slavery in U.S. society. We can extend it today to the reality of a nation still divided because of "slavery unwilling to die." The question hanging over white Americans is this: Do white Americans wish to face open racial conflict, even racial war, for themselves, their children, or their grandchildren? During the 1960s urban rebellions numerous black leaders and a few white leaders pointed out that without social justice there can be no public order. This is still the long-term reality in the United States. Without social justice the nation will never achieve a democratic social order.

Black Americans remain at the center of the U.S. system of racial oppression, and their antiracist consciousness has perhaps the greatest potential for continuing challenges to the racist order. They have developed large-scale social change movements a few times in U.S. history, and smaller-scale movements many other times, and there will doubtless be more such movements in due course. While large-scale liberation movements have come and gone, strong efforts against racism have never disappeared. As a group, black Americans have not retreated to an eroding pessimism but have slowly pressed onward. They continue to join religious, civic, and civil rights organizations working to eradicate racism, to get civil rights laws enforced, and to secure better living conditions for themselves and for all Americans. Historically, this nation has seen periods when black Americans have changed what their "rulers perceive to be in their own best interests. The destabilizing effects of protest and resistance can alter the cost-benefit calculus so that change favorable to blacks actually comes to be in the interest of dominant forces."⁹⁴ This was true during the abolitionist period from the 1830s to the 1860s and again during the civil rights movement and black rioting of the period from the 1950s to the early 1970s. Perhaps it can be so again.

The efforts of black Americans to free themselves from oppression have often stimulated other Americans of color to do the same. Inspired by black efforts or acting on their own, the latter have often reacted strongly to the variations of white oppression that specifically target them. Today, there are numerous antiracist and civil rights groups in the United States, including the American Indian Movement, the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense Fund, the Japanese American Citizens League, the Asian American Legal Defense Fund, and the Organization of Chinese Americans. These and similar groups are working now for change in patterns of racial oppression. To take just one example, today Native American activists are organizing protest movements and fighting legal battles to force the federal government to honor its hundreds of legal treaties. Today these groups are joined by an array of other organi-

nations pressing for social justice, including women's organizations and gay and lesbian organizations. One major challenge today is to build united coalitions against the many types of established oppression.

The world around the United States is slowly but dramatically changing. A number of contradictions have emerged out of the global racist order originally created by the various colonial adventures of European nations. This imperialism created social and political structures that, then as now, have imbedded racist images, norms, and ideologies of subordination. International relations, global markets, global financial institutions, and multinational corporations are all racialized, with white European perspectives and agents often at their core. For centuries these Eurocentric institutions have been globalizing, dominant, and resistant to change. Today, however, there is much ferment against various types of oppression across the globe. Over the next century neither the United States nor the world is likely to stay the same. It seems likely that over the next century many groups and nations will move farther out from under the dominance of white Americans and Europeans. People everywhere are organizing for change. In recent years we have seen strong antiracism movements in South Africa and Brazil, and renewed labor movements in South Africa, Brazil, China, and Nigeria.

Today, people of African descent remain the globe's largest racially oppressed group, a group now resident in many countries. In the 1980s and 1990s we saw a systemically racist society, the Republic of South Africa, move from white to black political control and begin to change the rest of its social and economic structure of racism (apartheid) with relatively little bloodshed. Few social analysts predicted such a sea change, and even though South Africa faces many serious challenges before it attains full economic and political democracy, it has already changed faster and more substantially than any Western commentator or analyst had predicted. The possibility of a global democratic order rid of racism remains only a dream, but the South African revolution shows that it is a powerful dream. More changes in the world's racist system will likely come as the human spirit conquers the continuing realities of oppression, however daunting they may be. The chair of the Special United Nations Committee against Apartheid has recently expressed this hope: the "world can never be governed by force, never by fear, never by power. In the end what governs is the spirit and what conquers is the mind."⁹⁵

Introduction

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