



Alabama Law Scholarly Commons

Essays, Reviews, and Shorter Works

Faculty Scholarship

2002

Liking Arms: Recent Books on Interracial Coalition as an Avenue of Social Reform Book Review

Richard Delgado

University of Alabama - School of Law, rdelgado@law.ua.edu

Follow this and additional works at: https://scholarship.law.ua.edu/fac_essays

Recommended Citation

Richard Delgado, *Liking Arms: Recent Books on Interracial Coalition as an Avenue of Social Reform Book Review*, 88 *Cornell L. Rev.* 855 (2002).

Available at: https://scholarship.law.ua.edu/fac_essays/49

This Article is brought to you for free and open access by the Faculty Scholarship at Alabama Law Scholarly Commons. It has been accepted for inclusion in Essays, Reviews, and Shorter Works by an authorized administrator of Alabama Law Scholarly Commons.

BOOK REVIEW

LINKING ARMS: RECENT BOOKS ON INTERRACIAL COALITION AS AN AVENUE OF SOCIAL REFORM

Richard Delgado†

THE MINER'S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY. By *Lani Guinier & Gerald Torres*. Cambridge: Harvard University Press, 2002. Pp. 392. \$27.95.

INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA. By *Eric Yamamoto*. New York: New York University Press, 1999. Pp. 330. \$55.00 (Hardcover) (Paperback, 2001, \$19.00).

INTRODUCTION: THE IMPENDING DEMOGRAPHIC TIPPING POINT . . .	856
I. TWO RECENT BOOKS ABOUT INTERRACIAL GROUPS AND POLITICS	857
A. Eric Yamamoto, <i>Interracial Justice</i>	858
B. Lani Guinier and Gerald Torres, <i>The Miner's Canary</i>	860
C. Discussion	864
II. THE ALGEBRA OF INTERRACIAL COALITION	868
III. WE SHALL OVERCOME: WHEN THE BASIS OF A COALITION IS RACE	869
A. The Drawing Power of Whiteness	870
B. Solidarity Problems—Defectors and the Paradox of Leadership	871
1. <i>Essentialism and the Problem of Internal Solidarity</i>	871
2. <i>The Paradox of Representative Leadership</i>	872
C. Coalitions May Replicate Hierarchy	873
D. Strange Bedfellows	873
E. The Set Stage	874
1. <i>Party Politics</i>	874
2. <i>Material Factors</i>	874
F. The Law of Historical Grievance	876
G. Alignment of Interest: The Predicate for Coalition	877
1. <i>White Women in Plantation Society</i>	878

† Jean N. Lindsley Professor of Law, University of Colorado-Boulder. J.D., U.C. Berkeley, 1974.

2. <i>The Ending of the Civil Rights Era</i>	879
IV. RACIAL SOLIDARITY: THE HISTORICAL RECORD	880
A. Outgroup Solidarity	881
B. White Solidarity	882
CONCLUSION: THE ALTERNATIVE TO COALITION, JUSTICE	884

INTRODUCTION: THE IMPENDING DEMOGRAPHIC TIPPING POINT

The prospect of death, they say, focuses the mind remarkably. Might other great changes do the same? As America approaches the point when minorities will begin to outnumber whites (estimated to happen sometime in the middle of this century),¹ writers and columnists have begun writing about what that event portends. Thus, recent books have emerged on the browning of America,² on panethnicity,³ on the need to preserve precious white genes and culture,⁴ and on whether America is still the greatest country in the world.⁵

Also recently, articles and books have appeared on the prospect that minority groups will form alliances, possibly with disaffected working-class whites, and translate their impending majority into political and cultural influence.⁶ Without such coalitions, these authors seem to suggest, 2050—the year of the predicted demographic tipping point—might come and go without noticeable effect. Well past that point, Euro-Americans will continue to be the single richest and largest racial group in the country. If minorities do not unite to challenge the white establishment, they are destined to remain poor and politically marginalized.⁷

Two recent books illustrate this preoccupation with interracial coalition. Lani Guinier and Gerald Torres's book, *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy*, forcefully argues that minorities should unite, beginning with local issues, in pursuit of social justice.⁸ Eric Yamamoto's book, *Interracial Justice: Conflict and Reconciliation in Post-Civil Rights America*, outlines a program for mi-

¹ On this impending "tipping point," see Orlando Patterson, *Race by the Numbers*, N.Y. TIMES, May 8, 2001, at A27.

² RICHARD RODRIGUEZ, *BROWN: THE LAST DISCOVERY OF AMERICA* (2002).

³ YEN LE ESPIRITU, *ASIAN AMERICAN PANETHNICITY* (1992). Panethnicity is the idea that heterogeneous groups such as Asians and Latinos might begin seeing themselves as single blocs. See *id.* at 2.

⁴ PATRICK J. BUCHANAN, *THE DEATH OF THE WEST* (2002).

⁵ WILLIAM J. BENNETT, *WHY WE FIGHT: MORAL CLARITY AND THE WAR ON TERRORISM* (2002); DINESH D'SOUZA, *WHAT'S SO GREAT ABOUT AMERICA* (2002).

⁶ For a compilation of examples of these articles and books, see JUAN PEREA ET AL., *RACE AND RACES* 1104–18 (2000).

⁷ See Manning Marable, *Beyond Racial Identity Politics: Towards a Liberation Theory for Multicultural Democracy*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* 448 (Richard Delgado & Jean Stefancic eds., 2d ed. 2000).

⁸ See LANI GUINIER & GERALD TORRES, *THE MINER'S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* 10, 17, 30, 54–55, 69–70, 131–222 (2002).

norities to bury their grievances and work together toward essentially the same ends.⁹ The two books differ greatly in their organization, style, and scope. For example, one is elegant, even overwrought, while the other is lucid and terse. But they share the faith that America's hope lies with a heady coalition of the dispossessed.¹⁰ They argue that outsider scholars and communities, because of the legacy of oppression, enjoy a deeper, sharper sense of social justice than the more complacent majority.¹¹ Accordingly, if blacks, Latinos, Asians, Native Americans, and down-and-out whites join forces, not only they but also the country as a whole will benefit.¹²

Part I of this Review briefly describes and compares the Guinier-Torres and Yamamoto books, noting their strengths and weaknesses. Part II explores the logic of coalition making. Part III shows that when race is an element, coalition making becomes more, not less, problematic. Part IV examines the historical record of interminority coalitions. The Conclusion urges reformers to replace the procedural objective of coalition with the substantive goal of social justice and to work to realize that goal both individually and collectively. The hope for a great union of dispossessed people standing shoulder to shoulder is, ultimately, an evasion, motivated by the unspoken desire to let someone else do the hard work. The "differential racialization" hypothesis posits that racial harms will vary from group to group and over time.¹³ It logically follows, therefore, that redress for those harms will take culturally specific forms so that the collective dimension of struggle will very often take second place to the individual one.

I

TWO RECENT BOOKS ABOUT INTERRACIAL GROUPS AND POLITICS

Although spurred by the same hope that minorities may, one day, join forces in a powerful movement for social reform, the two books

⁹ See ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* 15, 48-49, 210-76 (1999).

¹⁰ See GUINIER & TORRES, *supra* note 8, at 10-12, 30-31; YAMAMOTO, *supra* note 9, at 9-14.

¹¹ See GUINIER & TORRES, *supra* note 8, at 86-89, 168-73; YAMAMOTO, *supra* note 9, at 133-38.

¹² See GUINIER & TORRES, *supra* note 8, at 10-11, 30, 96-98; YAMAMOTO, *supra* note 9, at 7, 276 (observing that exploring race relations "implicates broader concerns for all in multiracial America" and is important for the country as a whole).

¹³ See generally TOMÁS ALMAGUER, *RACIAL FAULT LINES* 25-26 (1994) (discussing how the racialization process historically has been influenced by the social positions of immigrants); MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES* 55-61 (2d ed. 1994) (discussing racial formation and the role of historically situated projects); PEREA ET AL., *supra* note 6, at 1-4 (introducing the book's discussion of the particular histories of the major racial groups in the United States and commenting that "history enables comparisons among the experiences of these different racialized groups").

exhibit a number of sharp differences. For example, the Yamamoto book centers on what must be done to prepare the way for successful coalitions.¹⁴ The Guinier-Torres book, however, focuses on how minority discontent can be harnessed to achieve reforms that will benefit society as a whole.¹⁵ Despite their differences, both books emphasize those qualities that all minorities supposedly have in common: grievance, energy, and superior moral and cultural wisdom born of the legacy of oppression.¹⁶ Further, the authors of both books believe that the time is right for coalition. Any earlier, and the requisite numbers would have been lacking; years from now, the magic moment might have passed.¹⁷ In addition, each book offers a sort of one-two-three prescription, reminiscent of a host of self-help books, for converting their hopes into reality.¹⁸ Finally, both books place great faith in the power of coalitions to effect change. Yamamoto, for example, writes that his approach “offers racial groups a . . . [means of] dealing with collective memory while moving toward a more peaceable, productive future.”¹⁹ Guinier and Torres posit that “[c]ombining race and gender with collaborative forms of power may yield the most transformative model of all.”²⁰ Before setting forth my criticism, it is necessary to take a closer look at these two books.

A. Eric Yamamoto, *Interracial Justice*

How can groups settle interracial grievances and form vibrant coalitions for social justice? Eric Yamamoto, professor of law at the University of Hawaii, examines a series of case studies, including the recent disturbances in South Central Los Angeles,²¹ a San Francisco school board suit that pitted Asians against Latinos and blacks for slots at prestigious Lowell High School,²² a dispute among Latinos, Asians, and blacks over minority contracting in Oakland, California,²³ and a feud between a Korean hat shop owner and inner-city blacks.²⁴ Yamamoto also discusses reconciliation in post-apartheid South Africa²⁵ and a controversy in Hawaii in which Asian Americans pondered an apology and reparations for their part in ousting Native Hawaiians

14 See YAMAMOTO, *supra* note 9, at 1, 7–9.

15 See GUINIER & TORRES, *supra* note 8, at 17.

16 See GUINIER & TORRES, *supra* note 8, at 10–18, 34, 74–82, 86–89, 105–07; YAMAMOTO, *supra* note 9, at 8–10, 13, 15–16.

17 See GUINIER & TORRES, *supra* note 8, at 10, 30–34; YAMAMOTO, *supra* note 9, at 7–9.

18 See *infra* text accompanying notes 32–35, 72–74.

19 YAMAMOTO, *supra* note 9, at 12.

20 GUINIER & TORRES, *supra* note 8, at 163.

21 See YAMAMOTO, *supra* note 9, at 8.

22 See *id.* at 27, 29–33, 42.

23 See *id.* at 27–28.

24 See *id.* at 13, 152, 179, 236–40, 242–53.

25 See *id.* at 254–75.

from their ancestral lands.²⁶ He examines interracial relations in local elections,²⁷ state referenda,²⁸ university governance,²⁹ and the courts,³⁰ all in a search for forces that impair or promote cooperation among outgroups seeking justice from the white establishment. He shows how stock stories, such as those about the lazy, welfare-loving black, the suspicious, grasping Asian shop-owner, or the coat-tail riding Latino, can stand in the way of cooperation.³¹

By analyzing cases in which coalitions succeeded as well as ones in which they did not, Yamamoto offers a four-step framework for successful interminority coalition building. First, groups must *recognize* each other's history and feelings, including any grievances they bring to the table.³² Next, they must take *responsibility* for their own part in oppressing their neighbor.³³ Subsequently, they must *reconstruct* and heal the relationship, usually through atonement and apology.³⁴ Finally, they must make *reparation* for the harms done.³⁵ In justifying his approach, Yamamoto draws on a variety of sources: social psychology,³⁶ theology,³⁷ political³⁸ and narrative theory,³⁹ history,⁴⁰ and indigenous healing ceremonies and practices.⁴¹

Yamamoto discusses a number of cases from around the world that illustrate problems common to reconciliation. For example, the chapter on South Africa's Truth and Reconciliation Commission illustrates what can happen when parties to a proceeding pursue different agendas.⁴² Nelson Mandela established the commission to investigate human rights violations and "consider amnesty for those who confess to political crimes . . . [and] to recommend reparations to victims."⁴³ Many of the witnesses who appeared before Pieter Botha's commission admitted their guilt only half-heartedly.⁴⁴ More interested in se-

²⁶ See *id.* at 60–78.

²⁷ See *id.* at 25, 28.

²⁸ See *id.* at 26, 28.

²⁹ See *id.*

³⁰ See *id.* at 27–28.

³¹ See *id.* at 3–4, 25–29, 122, 179–84, 243–50.

³² See *id.* at 10, 175–85 (referred to as "Recognition").

³³ See *id.* at 10–11, 185–90 (referred to as "Responsibility").

³⁴ See *id.* at 11, 190–203 (referred to as "Reconstruction").

³⁵ See *id.* at 11, 203–09 (referred to as "Reparation").

³⁶ See *id.* at 162–64.

³⁷ See *id.* at 159–62.

³⁸ See *id.* at 164–66.

³⁹ See *id.* at 243–49.

⁴⁰ See, e.g., *id.* at 60–78 (discussing the history of apology and redress of Asian Americans and Native Americans).

⁴¹ See *id.* at 166–67.

⁴² See *id.* at 254–75.

⁴³ *Id.* at 255.

⁴⁴ See, e.g., *id.* at 265–67 (discussing the confessions of five former policemen who murdered a black antiapartheid activist).

curing amnesty than making amends, they offered slanted, one-sided accounts of their own acts and made little effort to understand or make amends for the damage they inflicted on their victims.⁴⁵ Yamamoto's discussion of the reconciliation between mainstream churches and native Hawaiians shows how a group that has gained a position of dominance through the exploitation of others may attempt to avoid responsibility by blaming a larger and more powerful impersonal entity, such as the U.S. government.⁴⁶ Finally, Yamamoto's discussion of a disagreement between a Vietnamese grocer family and black residents of a New Orleans neighborhood shows how two mediations and a prayer service foundered when the parties persisted in seeing each other in stereotypical terms.⁴⁷

Relations among outgroups, for Yamamoto, are fraught with pitfalls, requiring effort, skill, knowledge, and the willingness to expose one's vulnerabilities and past transgressions. The minority community exhibits deep divisions, adding a new dimension to the critique of racial essentialism. A successful coalition does not just magically appear because two minority groups seek a similar concession from whites.

B. Lani Guinier and Gerald Torres, *The Miner's Canary*

Except in Guinier and Torres's perspective. Their elegant, slick book, based on the Nathan I. Huggins Lectures, is everything Yamamoto's is not. Guinier and Torres begin with the observation that blacks have developed a unique perspective on the American system and on racial justice.⁴⁸ This double consciousness uniquely equips them to lead interracial coalitions aimed at advancing the cause of all minorities.⁴⁹ Although many working-class whites suffer from some of the same workplace hazards and elitist university admissions criteria that haunt minorities,⁵⁰ a coalition led by blacks, with Latinos (whom they persist in calling Hispanics) falling into line, can pick up needed allies among down-and-out whites, women, and sexual minorities.⁵¹

Guinier and Torres list a number of examples of successful interracial coalition building, neglecting to discuss, as Yamamoto does, the many instances in which it failed. For them, "political race," their neologism for a coalition of outgroups, is a mighty engine for social re-

⁴⁵ See *id.* at 260-67.

⁴⁶ See *id.* at 62-63, 66-67, 214.

⁴⁷ See *id.* at 1-6.

⁴⁸ See GUINIER & TORRES, *supra* note 8, at 17, 79, 86-89, 101, 122.

⁴⁹ See *id.* at 17, 30-31, 69-70, 94-95, 105, 294; *infra* notes 53, 77-79 and accompanying text.

⁵⁰ See GUINIER & TORRES, *supra* note 8, at 20-21, 30-31, 67-68, 96, 118-19, 133.

⁵¹ See *id.* at 17, 30-31, 69-70, 94-95, 105, 294; *infra* notes 53, 77-79 and accompanying text (describing the role Guinier and Torres set out for Latinos).

form.⁵² They argue that reviled minorities—or, at any rate, blacks—alone have the energy, motivation, and cohesion to mount effective resistance to oppressive programs operated by the complacent majority.⁵³ Although Guinier and Torres do pay lip service to the need to move beyond the black/white binary paradigm of race, it is clear that blacks are to occupy the center of the new political-race coalitions with others, such as Latinos and Asians, falling into line.⁵⁴ Will they, and if so, for how long? Evidently, the authors have not consulted Yamamoto, or they would display greater caution in assuming interracial solidarity behind the leadership of any one group.⁵⁵

Not only will the other minority groups—presumably including what is now the largest group, Latinos—benefit from lining up behind African Americans, Guinier and Torres argue, white America will as well. Like the canary that miners carried to detect poisonous gas before the invention of machines, all of society can benefit by noticing when blacks are suffering.⁵⁶ The black community's failure to thrive can signal conditions that require attention before they spread to society at large.⁵⁷ Harry Kalven, Jr.'s *The Negro and the First Amendment* urged a similar position, pointing out that society has blacks to thank for the creation of a great deal of free speech law.⁵⁸ Kalven, however, like Yamamoto, is absent from the pages of *The Miner's Canary*, whose authors, like teenagers discovering sex, appear to think that they have thought of the idea first. But they also believe in "Magical Realism,"⁵⁹ so anything, perhaps, is possible, including co-opting an idea without citation.

Chapters 1 and 2 lay out, in rhapsodic language and with many big words,⁶⁰ the core ideas mentioned above. Chapter 3 mentions the "Texas 10 Percent Plan" as an example of political race in operation.⁶¹ In the wake of *Hopwood v. Texas*, in which the Fifth Circuit prohibited

⁵² See GUINIER & TORRES, *supra* note 8, at 11–31.

⁵³ See *id.* at 17–18, 86–89.

⁵⁴ See *id.* at 13–14, 17, 19, 82, 227, 288–90. Guinier and Torres assert that "[r]acial group consciousness not only makes blacks more politically active and effective as a group; it also helps make individual blacks more psychologically resilient." *Id.* at 82.

⁵⁵ See *supra* notes 21–31, 44–47 and accompanying text.

⁵⁶ See GUINIER & TORRES, *supra* note 8, at 11–12, 14, 20, 25, 31, 57–58, 99, 128–29, 171–72, 275.

⁵⁷ See *id.* at 11–12.

⁵⁸ HARRY KALVEN, JR., *THE NEGRO AND THE FIRST AMENDMENT* 3–4 (1965).

⁵⁹ See GUINIER & TORRES, *supra* note 8, at 22–23.

⁶⁰ For example, Guinier and Torres write that they "explore a post-postmodern idea of power that highlights human agency within relationships that narrate rather than simply observe change. By narrate we mean an active process of creating a story that is both explanatory and motivational, as opposed to merely descriptive." GUINIER & TORRES, *supra* note 8, at 18.

⁶¹ See *id.* at 67–107.

consideration of race in public university admissions,⁶² Texas minorities succeeded in enacting legislation that reformed admissions criteria in state universities.⁶³ Under the new plan, the top ten percent of high school graduates in the state of Texas are guaranteed admission to the state's university system without regard to their SAT scores.⁶⁴ This shift benefited graduates of heavily Latino districts in the southern part of the state, as well as blacks in such large Texas cities as Houston and Dallas.⁶⁵

Guinier and Torres are particularly pleased with the 10 Percent Plan because it also stood to benefit working-class whites, a few of whom are said to have supported it.⁶⁶ Certain features of the Plan should have troubled Guinier and Torres, however. First, the initiative was the brainchild of two Latino legislators;⁶⁷ it did not originate with black leadership, and so is, strictly speaking, a counterexample of political race as outlined by Guinier and Torres. In addition, the authors do not mention how long the interracial coalition lasted and what other goals they pursued. For example, have the newly favored working-class whites marched arm-in-arm with minorities demonstrating for expanded ethnic studies departments? By the same token, the Texas 10 Percent Plan has done little to integrate the state's professional schools, such as the law school at Austin,⁶⁸ where one of the authors teaches.⁶⁹ Have working-class whites, admitted under the new rules, agitated for increased diversity in those elite schools? This reviewer certainly has seen little evidence of it. Indeed, it should not be long before poor whites in Texas realize that a class/disadvantage-based plan, like that advocated by Richard Kahlenberg in his book, *The Remedy*,⁷⁰ will benefit them even more, without the need to make common cause with all those hard-to-please minorities.⁷¹

⁶² 78 F.3d 932, 962 (5th Cir. 1996).

⁶³ H.B. 588, 75th Leg., Reg. Sess., 1997 Tex. Gen. Laws 304; Mary Ann Roser, *Top 10% College Admission Law Yields Mixed Results*, AUSTIN AM.-STATESMAN, Dec. 28, 1998, at A1; see also GUINIER & TORRES, *supra* note 8, at 68-69 (describing the role of legislators Irma Rangel and Gonzalo Barrientos and academic David Montejano in enacting the legislation establishing the Texas 10 Percent Plan).

⁶⁴ H.B. 588.

⁶⁵ See GUINIER & TORRES, *supra* note 8, at 73, 251.

⁶⁶ See *id.* at 71-74.

⁶⁷ See *id.* at 68-69.

⁶⁸ See Linda K. Wertheimer, *Grad Schools Put to the Test*, DALLAS MORNING NEWS, Feb. 25, 2002, at 1A.

⁶⁹ Gerald Torres is professor of law at University of Texas at Austin. See ASS'N OF AM. LAW SCHS., DIRECTORY OF LAW TEACHERS 2000-2001, at 1053 (2000).

⁷⁰ RICHARD D. KAHLENBERG, *THE REMEDY: CLASS, RACE, AND AFFIRMATIVE ACTION* (1996) (proposing that race-based affirmative action be replaced with a class- or disadvantage-based version).

⁷¹ This is so because the number of poor whites greatly exceeds that of poor blacks and Latinos. See U.S. BUREAU OF LABOR STATISTICS & U.S. CENSUS BUREAU, ANNUAL DEMOGRAPHIC SURVEY (MARCH SUPP.), TABLE I: AGE, SEX, HOUSEHOLD RELATIONSHIP, RACE AND

Like Yamamoto, Guinier and Torres offer a step-by-step framework for successful interminority coalition building, but unlike Yamamoto's, their framework is extremely abstract: reconceptualize meta-narratives,⁷² work from the ground up,⁷³ and tackle hierarchy.⁷⁴ They do, however, provide a special, honored role for women. Women are said to be good in heterogeneous, fragmented communities.⁷⁵ They help everyone feel good, stay together, and focus on "power with," not "power over."⁷⁶

Chapter 7 on Latinos reminds the reader of the unique black history of suffering and moral entitlement.⁷⁷ But, Guinier and Torres point out, Latinos can help out, too. The key is where a given Latino places himself along the black/white binary continuum.⁷⁸ White-looking Latinos are a lost cause, whereas darker-skinned Latinos are apt to be more reform-minded.⁷⁹ Portions of chapters 6 and 7 on elections⁸⁰ recycle many of Guinier's previous ideas about voting reforms, such as cumulative voting, but with a difference.⁸¹ Backtracking slightly, Guinier and Torres now urge that elections cannot be a political-race coalition's main focus.⁸² One has to start small, with unionizing a plant or electing friendly school board officials, for example.⁸³

HISPANIC ORIGIN—POVERTY STATUS OF PEOPLE BY SELECTED CHARACTERISTICS IN 2001 (2002), at http://ferret.bls.census.gov/macro/032002/pov/new01_001.htm (last modified Sept. 23, 2002). By contrast, because of Texas's high degree of housing and school segregation, see *U.S. Assumes Administration of Texas City's Housing Office*, DESERET NEWS, Oct. 4, 2000, at A5; Ben Wear, *Separate and Still Not Equal*, AUSTIN AM.-STATESMAN, Feb. 12, 2001, at A1, the Texas 10 Percent Place will disproportionately benefit minorities (which, of course, was the reason for its adoption).

⁷² GUINIER & TORRES, *supra* note 8, at 137. For a slightly different list, see *id.* at 95–96.

⁷³ See *id.* at 137.

⁷⁴ See *id.* at 137–38.

⁷⁵ See *id.* at 161–63, 166–67.

⁷⁶ See *id.* But see RACHEL SIMMONS, *ODD GIRL OUT* (2002) (questioning the myth of the sweet, cooperative girl); ROSALIND WISEMAN, *QUEEN BEES AND WANNABES* (2002) (same).

⁷⁷ See GUINIER & TORRES, *supra* note 8, at 86, 135, 226–27. As Guinier and Torres state, "Thus far we have tried to show . . . that those who have been raced black in our society are more likely than others to develop an oppositional, collective consciousness and . . . become more resilient in the face of racism." *Id.* at 86; see also *supra* notes 53–54 and accompanying text (describing Guinier and Torres's understanding of the black community's leading role in the pursuit of social change).

⁷⁸ See GUINIER & TORRES, *supra* note 8, at 223–32.

⁷⁹ See *id.* at 229–32.

⁸⁰ See *id.* at 168–222, 232–35.

⁸¹ For a summary of Guinier's works on voting rights and strategies to increase minority representation, see LANI GUINIER, *THE TYRANNY OF THE MAJORITY* (1994).

⁸² See GUINIER & TORRES, *supra* note 8, at 245; see also *id.* at 14–15, 208 (observing that "it is necessary to move from the primacy of individual status to a focus on group interactions and their relationship with power," but also that the authors "do not . . . mean either exclusively or primarily those activities associated with electoral politics").

⁸³ See *id.* at 246–48; see also *id.* at 131–222 (discussing the search for "open spaces" in which minority coalitions might seize the opportunity to press for reforms).

Chapter 8 uses the war on drugs as an example of another instance in which minorities serve as the miner's canary.⁸⁴ A program that falls heavily on minorities is now beginning to harm society at large. How? Guinier and Torres point to the high cost of incarceration and prison construction, which is beginning to divert money that whites might prefer to see spent in other ways.⁸⁵ Cutting back on the unconscionably high incarceration rate of men and women of color is certainly desirable and would save money. But would the savings go to building new recreation centers for blue-collar children or even zoos for upper-class white children, rather than to building military hardware or providing corporate welfare? Working-class whites are not politically unsophisticated. Many might even ask themselves questions like these. Besides, whiteness has a property value,⁸⁶ so preserving a black underclass enhances the position of poor whites who are able to tell themselves that they are at least better off, materially and psychologically, than blacks.⁸⁷

Merely seeing connections among things is not enough. If racism benefits the dominant group, feel-good formulas, talking, and chants of solidarity may need to be forever supplemented by outright disruption and resistance. Political race may well enhance democracy.⁸⁸ But opportunities for coalition making may be fewer in number and less easily achieved than Guinier and Torres think. Oppression may turn out to be purposive, not accidental, instituted to disadvantage exactly those who reside at the bottom of society. The miners did, after all, cage the canaries and haul them down into the mines.

C. Discussion

Both books are, in their own way, excellent. Yamamoto's book is better written, features more examples, and is less Panglossian than the Guinier-Torres text. Guinier and Torres, however, do offer one outstanding, breakthrough idea—that social justice depends on the energy and initiative of dissatisfied groups (in most cases, minorities), and that coalitions for change must begin with these groups and radiate outward.⁸⁹ Yamamoto's book is especially valuable in emphasizing that racial analysis must expand beyond the black/white binary paradigm, in which race was once synonymous with blacks and progressivism meant sympathetic white folks getting together to help African Americans.

⁸⁴ See *id.* at 262–67, 274–77, 280.

⁸⁵ See *id.* at 267, 274–78 (citing budgetary demands imposed by the war on drugs that minorities and whites might not like).

⁸⁶ See Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709 (1993).

⁸⁷ See DERRICK BELL, *RACE, RACISM AND AMERICAN LAW* 205–09 (4th ed. 2000).

⁸⁸ See GUINIER & TORRES, *supra* note 8, at 104–05.

⁸⁹ See *supra* notes 48–57 and accompanying text.

Nevertheless, both books overlook Derrick Bell's great materialist insight⁹⁰ and make the mistake of assuming that minority misery is unnatural and certain to be corrected once pointed out to those in power. The canary may be sick for a reason; as I once pointed out, the optimal rate of racism may not be zero.⁹¹ A more appropriate image than the miner's canary may be that of the soundproofed stockyards with neighbors who cannot hear the bellows and cries of animals being slaughtered. Minorities, then, may be the opposite of canaries—their role may be precisely to suffer and be quiet. If the canary looks healthy, then it is time to pile on the pressure.

Neither book does a particularly good job in tracing its own intellectual lineage: Elizabeth Martínez,⁹² Juan Perea,⁹³ Frank Wu,⁹⁴ and Robert Chang⁹⁵ earlier called attention to the straitjacket of the black/white binary. Bernice Reagon⁹⁶ and Robert Chang⁹⁷ analyzed interracial coalition. Yet, none of these writers receives the recognition he or she deserves.

In addition, none of the authors demonstrates more than a basic awareness of the demographic forces that impel their own work or of the many manifestations of cultural paranoia⁹⁸ that the impending non-white majority is beginning to inspire. To name just a few, the majority is militarizing our borders;⁹⁹ enacting anti-immigrant measures such as California's Proposition 187 and English-only laws in over half the states;¹⁰⁰ sealing off college opportunities for students of

⁹⁰ See Derrick A. Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524–25 (1980) (pointing out that civil rights advances for blacks come about only when white self-interest so dictates).

⁹¹ See Richard Delgado, *Campus Antiracism Rules: Constitutional Narratives in Collision*, 85 NW. U. L. REV. 343, 386 & n.351 (1991).

⁹² Elizabeth Martínez, *Beyond Black/White: The Racisms of Our Time*, 20 SOC. JUST. 22 (1993).

⁹³ Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, 85 CAL. L. REV. 1213 (1997).

⁹⁴ Frank H. Wu, *Neither Black nor White: Asian Americans and Affirmative Action*, 15 B.C. THIRD WORLD L.J. 225 (1995).

⁹⁵ Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1243 (1993).

⁹⁶ Bernice Johnson Reagon, *Coalition Politics: Turning the Century*, in HOME GIRLS: A BLACK FEMINIST ANTHOLOGY 356 (Barbara Smith ed., 1983).

⁹⁷ ROBERT S. CHANG, *DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE* 128–29 (1999); Chang, *supra* note 95.

⁹⁸ See, e.g., BUCHANAN, *supra* note 4, at 3 ("Uncontrolled immigration threatens to deconstruct the nation we grew up in and convert America into a conglomeration of peoples with almost nothing in common—not history, heroes, language, culture, faith, or ancestors.").

⁹⁹ See TIMOTHY J. DUNN, *THE MILITARIZATION OF THE U.S.-MEXICO BORDER, 1978-1992* (1996); Patrisia Gonzales & Roberto Rodriguez, *Two Wars Against Immigrants*, DENVER POST, Feb. 13, 2000, at 3G.

¹⁰⁰ See JEAN STEFANCIC & RICHARD DELGADO, *NO MERCY* 20–32 (1996). Proposition 187's key provisions prohibit illegal immigrants from attending public schools or receiving

color by limiting affirmative action and race-based scholarships;¹⁰¹ intensifying the wars on loitering and gang membership, all of which leads to the incarceration of large numbers of minority youth;¹⁰² and increasingly electing conservative officials and judges in hopes of staving off social change.¹⁰³

The Guinier-Torres book contemplates a much greater role for whites in the civil rights coalition than Yamamoto's book.¹⁰⁴ Yamamoto is mainly concerned with paving the way for coalitions among outgroups of color; only in one or two passages does he hold out hope for engaging whites.¹⁰⁵ Guinier and Torres, however, are especially optimistic about enlisting dissatisfied working-class whites, along with blacks and Latinos, to press for economic reforms.¹⁰⁶ Nevertheless, Guinier and Torres may be faulted for overlooking Derrick Bell's insight that working-class whites are unlikely to side with blacks, even though whites face many of the same obstacles, because of an implicit property interest in whiteness.¹⁰⁷

Yamamoto looks further into the ability of minorities to serve as sources of wisdom than do Guinier and Torres. For Yamamoto, an outgroup may simultaneously oppress another and be victimized by a third.¹⁰⁸ For Guinier and Torres, minorities are apt to perceive injustice more acutely than others and to appreciate the need for collective action.¹⁰⁹ However, they overlook the possibility that competition for scarce resources may have taught minorities the opposite lesson—attending to one's own needs first.

Guinier and Torres also place great faith in whites to rectify conditions in the minority community for fear that the same ills will spread to the white community.¹¹⁰ But this faith may be misplaced. Poor voting conditions in minority neighborhoods in Florida¹¹¹ did not spread to other parts of the country; Scarsdale and Beverly Hills went on voting with state-of-the-art machines. Indeed, the lost black

nonemergency medical care at public hospitals, as well as exclude them from social services such as disability insurance. *Id.* at 21.

¹⁰¹ *Id.* at 45–81.

¹⁰² See PEREA ET AL., *supra* note 6, at 1057–60, 1065 (reproducing portions of *People ex rel. Gallo v. Aeuna*, 929 P.2d 596 (Cal. 1997)).

¹⁰³ On the role of the Federalist Society in selecting conservative judges, see Amy Bach, *Movin' on Up with the Federalist Society*, THE NATION, Oct. 1, 2001, at 11.

¹⁰⁴ See GUINIER & TORRES, *supra* note 8, at 20–21, 29, 54–55, 69–70, 96.

¹⁰⁵ See YAMAMOTO, *supra* note 9, at 19, 175; see also *id.* at 159 (reporting that Martin Luther King, Jr. held out the same hope).

¹⁰⁶ See *supra* note 51 and accompanying text.

¹⁰⁷ See HARRIS, *supra* note 86; *supra* notes 86–87 and accompanying text.

¹⁰⁸ YAMAMOTO, *supra* note 9, at 9, 16, 98–127.

¹⁰⁹ GUINIER & TORRES, *supra* note 8, at 17, 28, 30, 81–88, 281.

¹¹⁰ See *id.* at 20–21.

¹¹¹ On the Florida voting scandal in the last election, see Stacy Singer & John Maines, *Many Disqualified Votes in Minority Areas*, CHI. TRIB., Dec. 1, 2001, at 19.

votes in Florida benefited the Republicans and their wealthy constituency.¹¹² By the same token, whites have not rushed to tackle urban ills. They simply have moved to the suburbs in a mass exodus known as white flight.

Moreover, the best strategy for a sick canary may not be to form a union with other birds, but to approach the mine owner and demand measures that will improve safety for it alone, leaving the robins, hawks, and blue jays to handle their own problems. Indeed, in most eras, this is precisely what minorities have done. Blacks were, perhaps, most successful in cutting deals with the white establishment, although Latinos attempted to follow suit for a time without notable success.¹¹³ And, some Asians have willingly accepted the role of model minority.¹¹⁴ At one point, Guinier and Torres propose that Latinos take on a middleman or intermediary role, halfway between whites and blacks.¹¹⁵ But a people with roots in Chicano Power¹¹⁶ and Aztlan¹¹⁷ would bridle at that suggestion. Most middleman groups historically have served repressive functions.¹¹⁸

To his credit, Yamamoto does not assign nonblack minorities to demeaning roles. He does, however, commit the opposite error of assuming that friction among outgroups can be surmounted merely by dialogue.¹¹⁹ Although he does include reparations for outgroups that have oppressed one another,¹²⁰ he ignores that material and structural conditions may make for an unproductive and strained dialogue. Moreover, he fails to account for the possibility of increased intergroup hostility as old wounds are reopened and historical grievances are brought to the attention of a new generation.

With the two books and their basic themes in mind, it is time to turn to their common thread—the search for interracial coalition.

¹¹² See John Lantigua, *How the GOP Gamed the System in Florida*, THE NATION, Apr. 30, 2001, at 11.

¹¹³ On middle-of-the road Latino organizations that played the "other white" strategy, see Richard Delgado, *Derrick Bell's Toolkit—Fit to Dismantle that Famous House?*, 75 N.Y.U. L. REV. 283, 302–03 (2000); see also *infra* Part III.E.2 (describing this strategy).

¹¹⁴ See Chang, *supra* note 95, at 1258–65.

¹¹⁵ GUINIER & TORRES, *supra* note 8, at 229.

¹¹⁶ See RODOLFO F. ACUÑA, ANYTHING BUT MEXICAN 21–22, 56, 262, 265 (1996); RODOLFO ACUÑA, OCCUPIED AMERICA: A HISTORY OF CHICANOS (4th ed. 2000) [hereinafter OCCUPIED AMERICA].

¹¹⁷ See OCCUPIED AMERICA, *supra* note 116, at 390.

¹¹⁸ Cf. Reginald Leamon Robinson, "The Other Against Itself": Deconstructing the Violent Discourse Between Korean and African Americans, 67 S. CAL. L. REV. 15, 70–74, 101–07 (1993) (arguing that Koreans who took a middleman approach were used as scapegoats following the Los Angeles riots).

¹¹⁹ See *supra* notes 32–35 and accompanying text.

¹²⁰ See *supra* note 35 and accompanying text.

II

THE ALGEBRA OF INTERRACIAL COALITION

Aside from successful instances, many coalitions endured only until the dominant group offered a token concession; others turned out to be based on a misunderstanding.¹²¹ Both books put forward a number of examples of the former,¹²² which are carefully selected to illustrate the authors' (usually optimistic) theses. Parts II and III of this Review recount other examples of coalitions and analyze how whiteness and white privilege shape coalition-building efforts.

Consider a hypothetical society containing three groups. Race and color are not traits. Group *A* is the most numerous and powerful. It comprises fifty percent of the population and, thus, has been able to translate most of its wishes into law. It also controls well over fifty percent of the country's wealth. Groups *B* and *C* each comprise twenty-five percent of the population and command much less wealth and political clout than the *As*.

Suppose that, at some point, groups *B* and *C* decide to form a coalition to oppose the *As*, who run the country in ways that benefit them and leave the *Bs* and *Cs* on the outside looking in. Because the country is a democracy, a coalition of *Bs* and *Cs* would wield enough voting power to enact measures and elect favorable officials.

Faced with this prospect, the *As* might rationally approach each of their smaller adversaries separately and offer each a chance to abandon the other group and join instead with the *As*. They might point out that they are far richer and more numerous than either competitor, so that a coalition with them will last forever. As an inducement to jump ship, the *As* offer the small group—say, the *Cs*—immediate access to some of the wealth the more powerful *As* have amassed over the years.

Group *A* will, of course, offer the same deal to group *B*. After all, the *Bs* might be willing to join the *As* more cheaply than their counterparts. In effect, the *As* would force the weaker *Bs* and *Cs* to bid against each other for solidarity with the dominant *As*. This bargaining would, presumably, drive down the price the *As* would have to pay to protect their position.

¹²¹ See *infra* notes 130–31, 140–42, 150–86 and accompanying text (discussing drawbacks of coalitions).

¹²² E.g., GUINIER & TORRES, *supra* note 8, at 67–107 (describing multiracial campaign leading to adoption of Texas 10 Percent Plan); *id.* at 131–38 (describing successful effort to win worker concessions from K-Mart); YAMAMOTO, *supra* note 9, at 52–59 (describing successful campaigns for reparations and apologies); *id.* at 60–78 (setting out the roles of Asian Americans and Native Americans in largely successful companies for healing and reevaluation); *id.* at 254–75 (describing South Africans' search for reconciliation).

Still, the *As* would have to pay something to induce one of the two outsider groups to join them. Moreover, not only would the *As* need to bribe one of the smaller groups to abandon principle, honor, and the Three Musketeers creed,¹²³ they would also have to underwrite the price of assimilating the group into their more advanced civilization. These costs might include teaching them the governing language, offering them affirmative action in schools and jobs, and other such costly programs.

The *As*, faced with the impairment of their formerly high standard of living, would look to the one remaining outsider group—the one that did not join with it—for payment. Suppose *B* is the group that jumped ship and joined with the *As*. The *Cs* are now greatly outnumbered and without allies, because their former friends, the *Bs*, are now basking in the company of the powerful *As*.

The *As* now exact revenge on the *Cs*, extracting from them exactly what they had to pay the *Bs*, so that the *As*' standard of living returns to its former level. What the *Bs* gain, the *Cs* lose. *A*'s position remains the same, *B*'s is better, and *C*'s is much worse. The *Cs* will wish they had not broached the idea of coalition with the *Bs* in the first place.

In the early years of the Critical Race Theory movement, Derrick Bell propounded his interest-convergence theory of racial reform, which holds that advances for blacks come only when they benefit powerful whites as well.¹²⁴ The logic of coalition politics yields a corollary to Bell's dismal proposition: a minority group (like *B* in the above example) will join with another in search for justice against the majority (*A*) only when it is in the first group's interest to do so. Furthermore, such a group will abandon its ally in favor of the more powerful adversary as soon as the adversary offers concessions. The minority group may even have entered into coalition with another group precisely to gain the attention of powerful whites, always having intended to jump ship when offered better terms.¹²⁵

III

WE SHALL OVERCOME: WHEN THE BASIS OF A COALITION IS RACE

The analysis until this point has proceeded without consideration of race. When *A*, *B*, and *C* are racial groups, little changes. Reflecting on the role of whiteness and white privilege, and the record of past

¹²³ "All for One, and One for All!" ALEXANDRE DUMAS, *THE THREE MUSKETEERS* 91 (Jacques Le Clerq trans., Modern Library, 1999).

¹²⁴ See Bell, *supra* note 90, at 523.

¹²⁵ Cf. CRITICAL WHITE STUDIES 251–335 (Richard Delgado & Jean Stefancic eds., 1997) (documenting white privilege and its enshrinement in cultural imagery).

alliances among minority outgroups, shows that coalitions of color are, if anything, more unstable than those based on class, union membership, or political affiliation.

A. The Drawing Power of Whiteness

Not only are whites in this country the most numerous and powerful group—something that could easily change over time—they are also normative, their ideas, hopes, values, holidays, heroes, traditions, language, and narratives enshrined deeply in American culture.¹²⁶ American children's heroes, like Snow White, are Euro-American. Language imagery associates whiteness with purity, innocence, and virtue.¹²⁷ Think of our most sacred ceremonies: white is for weddings, black for funerals. Even many minorities carry these associations and attitudes in their heads.¹²⁸ Phrases like "sisterhood is powerful," "brown and black power," "power to the people," and others invoking outgroup solidarity possess an undeniable appeal. But whiteness's rewards, which include acceptance, validation, power, and influence, can plant a seed of doubt in the mind of any but the most dedicated insurgent of color.¹²⁹

Consider, for example, how many once-radical 1960s leaders, such as Corky Gonzalez, toned down their rhetoric and moderated their demands once the white establishment offered them a Ford Foundation or Office of Economic Opportunity (OEO) grant to assume the role of community organizer, with patronage jobs to hand out to their friends.¹³⁰ Consider, as well, how militant black organizations, like the Congress of Racial Equality, changed their agendas in the direction of economic development when the same mainstream funding organizations came calling.¹³¹ Finally, recall how many law students (and faculty members) of color enter law school with the intention of pursuing public interest careers, but, after three years in a setting that holds up large-firm corporate practice as the pinnacle of

¹²⁶ See *id.* at 251–88; PEREA ET AL., *supra* note 6, at 455–78.

¹²⁷ See PEREA ET AL., *supra* note 6, at 464–78.

¹²⁸ See *id.* at 464–78, 985 (discussing color imagery); Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, 17 HARV. C.R.-C.L. L. REV. 133, 146–47 (1982); Laura M. Padilla, "But You're Not a Dirty Mexican": *Internalized Oppression*, *Latinos & Law*, 7 TEX. HISP. J.L. & POL'Y 59 (2001).

¹²⁹ Cf. PEREA ET AL., *supra* note 6, at 470 (reproducing a passage in Toni Morrison's *The Bluest Eye* about the chagrin of a black character who realizes that she will never measure up to white standards of beauty).

¹³⁰ See Richard Delgado, *Explaining the Rise and Fall of African American Fortunes—Interest Convergence and Civil Rights Gains*, 37 HARV. C.R.-C.L. L. REV. 369, 377, 382–85 (2002).

¹³¹ See *id.*

professional success, nevertheless succumb to the lure of money and prestige.¹³²

B. Solidarity Problems—Defectors and the Paradox of Leadership

Because of whiteness's attractiveness, a multiracial coalition is always susceptible to breakup if a subgroup leaves and makes common cause with whites. Additionally, a similar dynamic could weaken a steadfast group if individual members defect or if the leaders turn out to be assimilated people who fail to appreciate the needs of their group's most impoverished members.

1. *Essentialism and the Problem of Internal Solidarity*

Everyone knows of defector cases, like Richard Rodriguez or Linda Chavez, the Latino/a writers who deplore affirmative action, bilingual education, and radical Chicano politics;¹³³ Clarence Thomas, the African-American Supreme Court justice who almost always votes with the conservative majority;¹³⁴ and J.C. Watts, the black Republican member of Congress who generally sided with his right-wing colleagues in restricting welfare, opposing election reform, supporting federalism, and criticizing liberal black leaders like Jesse Jackson and Al Sharpton.¹³⁵ In California, a surprising number of voters of color endorsed the anti-immigrant Proposition 187.¹³⁶ Moreover, English-only measures, anathema to most Latinos and Asians, draw considerable support among African Americans, working-class whites, and a few conservative Latinos.¹³⁷

It is true that the loss of some defectors will be offset by the occasional liberal white who joins. But the notion that two groups, which between them total fifty percent of a country's population will, by virtue of that fact alone, be able to mount effective resistance is highly problematic. Not only may another group in the coalition leave entirely, members in the group's own ranks may do so as well. It is essentialist to hope that every person of color will embrace radical politics

¹³² See ROBERT V. STOVER, *MAKING IT AND BREAKING IT* (Howard S. Erlanger ed., 1989); Howard S. Erlanger et al., *Law Student Idealism and Job Choice: Some New Data on an Old Choice*, 30 *LAW & SOC'Y REV.* 851 (1996).

¹³³ See RICHARD RODRIGUEZ, *HUNGER OF MEMORY: THE EDUCATION OF RICHARD RODRIGUEZ* (1982); Linda Chavez, *Just Say Latino*, *NEW REPUBLIC*, Mar. 22, 1993, at 18.

¹³⁴ See SCOTT DOUGLAS GERBER, *FIRST PRINCIPLES: THE JURISPRUDENCE OF CLARENCE THOMAS* (1999); SAMUEL A. MARCOSSON, *ORIGINAL SIN: CLARENCE THOMAS AND THE FAILURE OF CONSTITUTIONAL CONSERVATIVES* (2000).

¹³⁵ See Earl Ofari Hutchinson, *A Black Republican Wises Up and Opt's Out*, *L.A. TIMES*, July 8, 2002, pt. 2, at 11.

¹³⁶ See RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 72 (2001); YAMAMOTO, *supra* note 9, at 26.

¹³⁷ See Delgado, *supra* note 113, at 293, 295, 306.

and mass action as a means of social reform. Some prefer individualism and personal initiative. Assuming that a group of color that numbers, say, thirty million members, will deliver that many votes for the Democratic Party, affirmative action, and a host of familiar programs may be a serious miscalculation.

2. *The Paradox of Representative Leadership*

A related problem concerns the inevitable differences likely to arise between the leaders of an outsider coalition and its rank and file.¹³⁸ Especially in a large coalition, these differences are apt to pose serious difficulties. The leaders are likely to be college educated, media-savvy individuals from urban backgrounds. Some of their constituents may be blue-collar or agricultural workers, single mothers, and others with a host of immediate, day-to-day struggles and issues.¹³⁹ If the leaders are not attuned to these issues, the coalition will eventually reach a crisis point.

Consider, for example, the campaign for black reparations, a large national effort led by elites such as Harvard law professor Charles Ogletree.¹⁴⁰ The elite leadership, which includes many lawyers, has done valuable work in researching the history of black exploitation, calculating damages, and devising legal theories for pursuing relief.¹⁴¹ Less impressive is their thinking regarding the form that relief should take. One recurring suggestion is that the African-American community should receive amends in the form of college scholarships and other forms of affirmative action.¹⁴²

Nothing is wrong with affirmative action; I have written in support of it myself.¹⁴³ Yet, as the exclusive or primary remedy for slavery and racial oppression, it leaves much to be desired. It will certainly benefit many upwardly mobile African Americans wishing to pursue college or university studies. Yet, as everyone knows, just as many young black men are in jail as are in college.¹⁴⁴ Why did the reparations committees not propose a bail fund for young blacks charged

¹³⁸ See Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470, 471-72, 488-91 (1976).

¹³⁹ See *id.* at 489-92.

¹⁴⁰ For a report on the campaign and Professor Ogletree's role in it, see Charles J. Ogletree, Jr., *Litigating the Legacy of Slavery*, N.Y. TIMES, Mar. 31, 2002, at 9.

¹⁴¹ See Vincene Verdun, *If the Shoe Fits, Wear It: An Analysis of Reparations to African Americans*, 67 TUL. L. REV. 597 (1993) (examining issues related to reparations to African Americans); Ogletree, *supra* note 140 (same).

¹⁴² See William Weir, *Rally Supports Slavery Reparations*, HARTFORD COURANT, June 20, 2002, at A11.

¹⁴³ See Richard Delgado, *Rodrigo's Tenth Chronicle: Merit and Affirmative Action*, 83 GEO. L.J. 1711, 1714 & n.7 (1995).

¹⁴⁴ See Fox Butterfield, *Study Finds Big Increase in Black Men as Inmates Since 1980*, N.Y. TIMES, Aug. 28, 2002, at A14.

with or convicted of crimes? Such a remedy would be as beneficial as college scholarships for those who are probably already on the path to a successful life. Perhaps the reparations committee considered a bail fund and decided that it was too controversial to win public support. If so, they might have considered educational programs for prisoners, halfway houses for the recently released, and anti-gang counseling aimed at keeping unemployed, alienated youths out of prison in the first place. My point is that these are remedies that would not occur naturally to the movement's elite leadership because of structural reasons that are likely to plague any large coalition.

C. Coalitions May Replicate Hierarchy

A further complication concerns the relationships that may develop within a coalition. Yen Le Espiritu has noted that one sort of coalition—panethnic groups—are prone to a dynamic in which a high-status, influential, and relatively assimilated group, such as the Japanese in a pan-Asian movement, expects to assume a position of power and authority.¹⁴⁵ Meanwhile, less educated, poorer, or non-English-speaking members, such as Vietnamese or Cambodians, are left feeling shortchanged and excluded. This practice not only adopts the master's tools and thus unwittingly strengthens his house, but it also weakens the coalition. During the Civil Rights era of the 1960s, recall how women were asked to march in the back of protest parades (or in front if the group expected violence), and to perform routine tasks like making coffee at meetings.¹⁴⁶ Recall, as well, how Latinos and Asians have often bowed out of local coalitions with African Americans when they expected their concerns to occupy center stage, and how African Americans reacted negatively when the other groups turned out to expect similar attention.¹⁴⁷

D. Strange Bedfellows

The logic of a coalition may also require alignment with an ally that is anathema to at least one of its members. Consider, for example, the suggestion of a speaker that Latinos and Asians concerned about the militarized border and aggressive monitoring of immigrants in the wake of September 11 make common cause with other groups concerned with governmental surveillance. When she mentioned that these might include anti-gun-control advocates, skinheads, and

¹⁴⁵ See ESPIRITU, *supra* note 3, at 161–76.

¹⁴⁶ For a discussion of the civil rights community's treatment of women, see BLACK MEN ON RACE, GENDER, AND SEXUALITY (Devon W. Carbado ed., 1999). Yamamoto discusses similar treatment of black women by their white counterparts in feminist groups. See YAMAMOTO, *supra* note 9, at 112.

¹⁴⁷ See Megan Twohey, *Role Reversal Jolts Blacks, Hispanics*, 2001 NAT'L J. 1122.

survivalists, the Latinos and Asians in the room took the suggestion seriously, while the blacks rolled their eyes.¹⁴⁸ Libertarian anti-government activism is much less attractive to blacks than it is to other groups of color, because blacks have found the federal government a more steadfast champion than either state or private succor.¹⁴⁹

E. The Set Stage

Recent First Amendment theorists have written about the limitations of our system of free speech to deal with socially harmful messages, such as hate speech. They have coined the term “empathic fallacy” for the mistaken belief that a new, better narrative will always prevail over an old, socially pernicious one.¹⁵⁰ Coalition making among outgroups confronts a similar obstacle. Coalition-making efforts never occur in the abstract. Instead, they take place on a set stage replete with histories, grievances, and loyalties to third parties, which may interfere with a coalition that, in the abstract, would appear to be in everyone’s best interest.

1. Party Politics

Our political system contains two major parties, with rapidly diminishing differences between them.¹⁵¹ Suppose that a powerful coalition of minorities is interested in promoting policy X. If X is the kind of policy that requires national action, only two avenues will be open for effectuating it. The coalition must solicit support from either the Republicans or the Democrats. If the coalition can interest neither, the policy will arrive at a dead end.

2. Material Factors

Latinos are not just blacks with slightly lighter skins and a propensity for speaking Spanish. Nor are blacks just whites who happen not to have any money right now. All groups of color exhibit different

¹⁴⁸ Remarks at the Seventh Annual Conference of Latino Critical Studies (May 2–5, 2002).

¹⁴⁹ See Anders Walker, Note, *Legislating Virtue: How Segregationists Disguised Racial Discrimination as Moral Reform Following Brown v. Board of Education*, 47 DUKE L.J. 399, 422–23 (1997).

¹⁵⁰ See 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, 1281 & n.167 (1992).

¹⁵¹ The Democrats and the Republicans, for example, both support intervention in Iraq, reductions in social welfare, and appointment of conservative or middle-of-the-road judges. *Bush and Gore: Issue by Issue*, 32 NAT’L J. 3056 (Sept. 30, 2000); David Firestone, *Democrats Seek Compromise with White House on Iraq*, N.Y. TIMES, Oct. 1, 2002, at A19; Robert Pear, *Senate Approves Sweeping Change in Welfare Policy*, N.Y. TIMES, July 24, 1996, at A1.

histories, cultures, identities, and needs.¹⁵² Blacks tend to be urban people,¹⁵³ whereas Mexican Americans are much more rural.¹⁵⁴ South Asian Indian immigrants often find work in the computer and information science sector,¹⁵⁵ and so on.

Differences in the material situations of two groups interested in coalition can easily lead to problems. Consider immigration policy, for example. Relatively few blacks immigrate to the United States, while many Latinos do.¹⁵⁶ Immigration, thus, is a major goal for Latinos. Likewise, one would expect blacks to be neutral or mildly positive toward immigration because it brings newcomers who are apt to vote Democratic, favor affirmative action, and back workplace safety, all measures of interest to blacks. Nevertheless, blacks as a group do not support immigration because new arrivals would, in many cases, compete with blacks for lower-echelon jobs.¹⁵⁷ Thus, differences in the material circumstances of coalition partners can cause a coalition to fail even on issues presenting no readily apparent disagreement between members of the coalition.

Consider a second way historical differences can cause problems. Affirmative action is presently under siege, with conservative commentators and litigation centers calling for its repeal and even some of its liberal supporters beginning to waver.¹⁵⁸ One would think that a powerful coalition of minority groups, which now make up nearly one-third of the country's population,¹⁵⁹ could offer serious resistance to this movement. Neoconservatives, however, are now calling for a different strategy: cutting affirmative action back to its "traditional core"—blacks.¹⁶⁰ Some blacks have responded favorably, because eliminating affirmative action for American Indians, Latinos, and

¹⁵² See *supra* note 13 and accompanying text (explaining the term "differential racialization").

¹⁵³ See generally NAT'L URBAN LEAGUE, *THE STATE OF BLACK AMERICA* (Lee A. Daniels ed., 2002) (discussing issues confronting blacks, including the many troubles that blacks face in inner cities).

¹⁵⁴ On the role of immigration and labor law programs, such as the Bracero guest-worker operations, in encouraging Mexican settlement in rural, agricultural regions, see, for example, Ilan Stavans, *Life in the Hyphen*, in *THE LATINO/A CONDITION* 32, 34–35, 80–85 (Richard Delgado & Jean Stefancic eds., 1998).

¹⁵⁵ On the demography of Silicon Valley's workforce, see Tanai Khiaonarong, *Leaping into a High-Tech World*, *THE NATION*, Feb. 26, 2002, at 3B.

¹⁵⁶ See PEREA ET AL., *supra* note 6, at 18, 310–25.

¹⁵⁷ See *supra* note 136 and accompanying text.

¹⁵⁸ See STEFANCIC & DELGADO, *supra* note 100, at 45–81.

¹⁵⁹ U.S. CENSUS BUREAU, *POPULATION BY RACE AND HISPANIC OR LATINO ORIGIN FOR THE UNITED STATES: 1990 AND 2000, TABLE 3: POPULATION BY RACE ALONE, RACE IN COMBINATION ONLY, RACE ALONE OR IN COMBINATION, AND HISPANIC OR LATINO ORIGIN, FOR THE UNITED STATES: 2000*, <http://www.census.gov/population/cen2000/phc-t1/tab03.txt> (Apr. 2, 2001).

¹⁶⁰ See RICHARD DELGADO, *JUSTICE AT WAR* 162–83 (forthcoming 2003).

Asian Americans would cost them nothing.¹⁶¹ Perhaps a scaled-back affirmative action program, limited to blacks, could be even more generous than the current one, featuring more slots, scholarships, and special programs for blacks than the current version.

Any party to a coalition of color must realize the benefits of abandoning the coalition for one with whites. As noted earlier, such a coalition will be larger, more powerful, and potentially more durable than one with another minority group.¹⁶² Even when a coalition aims to advance only a single issue that would benefit all of its members, such as affirmative action, the coalition can still be destroyed if whites offer a concession to one faction at the expense of the rest.

F. The Law of Historical Grievance

The discussion to this point has shown that very few minority groups pondering a coalition will come to the table on equal terms and with a clean slate. They will not be similarly situated in every relevant respect; one group may have grievances with another group, which, in turn, may have a grievance with the first. Groups lacking any grievances with each other would hardly need a coalition. Being similarly situated, they might as well work for common issues separately. Little is gained from coalition; working in concert may even diminish efficiency, because it takes time to elect leaders and become familiar with each other. Blacks might need to learn Spanish, while Latinos might need to adjust to black ways of speaking, relating, and doing business.

Assume, then, that we are considering a coalition between groups where solidarity cannot be taken for granted. In our world, this situation is common: the dominant group frequently casts minorities against one another in competition for scarce resources.¹⁶³ For example, blacks may remember the time Latinos sacrificed black interests and sought their own well-being first, whereas Latinos will remember when blacks sided with white power or voted against a measure vital to the Latino community.¹⁶⁴

Over time, the memory of a grievance is unlikely to fade.¹⁶⁵ The group nursing the grievance will magnify it, recount it over and over, and become more and more certain that it is important and in need

¹⁶¹ See *id.*

¹⁶² See *supra* notes 121–23, 126–32.

¹⁶³ See Delgado, *supra* note 113, at 294–96.

¹⁶⁴ See *infra* note 211 and accompanying text (giving, as examples, the recent mayoral elections in Los Angeles and New York).

¹⁶⁵ Recall how in Eastern Europe and the former Yugoslavia, Serbs, Turks, and Albanians endlessly relive the battle of Kosovo, fought in 1389. See Marcelo M. Suarez-Orozco, *Everything You Ever Wanted to Know About Assimilation, but Were Afraid to Ask*, DAEDALUS, Sept. 22, 2000, at 1.

of redress. The other group, by contrast, will rationalize it. If the aggrieved group demands reparations or amends as a condition of coalition, the second group may respond with indignation or incredulity.

Consider, for example, the current debate over black reparations.¹⁶⁶ Blacks, who nurse grievances over slavery and Jim Crow laws, seek very large reparations from white society, believing that these historical atrocities are responsible for many, if not all, of the respects in which blacks trail whites in achievement and standard of living.¹⁶⁷ Whites, by contrast, are apt to respond either petulantly or sorrowfully: Slavery took place a long time ago. The victims and perpetrators are long since dead. If we make reparations for one group Perhaps it is time to move on.¹⁶⁸

The law of historical grievances suggests that most coalitions will never get off the ground. Any two potential partners will come together with at least one grievance that requires resolution.¹⁶⁹ The aggrieved party will set a very high price on settlement, while the other party will consider the aggrieved to be unreasonable, petty, and vindictive. Even if the guilty party agrees that it should pay reparations to the aggrieved party, it may lack the resources to do so. A third, even more powerful, group may have bled it white, so that both the guilty party and its historic victim are relatively impecunious.

G. Alignment of Interest: The Predicate for Coalition

Coalition requires an alignment of interests—something that brings two or more groups together. Guinier and Torres, however, do not treat this alignment as problematic. If, on the morning of January 17, 2003, two groups, Latinos and white women, are interested in the same thing (for example, better working conditions in a meat-packing plant), they are candidates for coalition.

Often, however, matters will be more complicated. Consider two examples: the role of white women in the antebellum South and the fate of black radicalism in the period leading up to the Civil Rights era of the 1960s.

¹⁶⁶ See DELGADO, *supra* note 160, at 162–83; Verdun, *supra* note 141.

¹⁶⁷ See Verdun, *supra* note 141, at 639–41.

¹⁶⁸ Kathleen Parker, *The Un-Slap Heard 'Round the World*, CINCINNATI ENQUIRER, Aug. 21, 2002, at 6C.

¹⁶⁹ *I.e.*, one that, if not resolved first, may cause trouble to break out later. See *supra* notes 21–45 and accompanying text.

1. *White Women in Plantation Society*

Just as plantation society treated black men as beasts,¹⁷⁰ it placed white women on a pedestal. The two are causally related, although the connection rarely has been noted.¹⁷¹ Consider white women's role: trained in the domestic arts, from an early age white girls in plantation society were taught ladylike skills—piano playing, French, interior decorating, making small talk, and parrying the advances of the well-born young men who would one day seek their hand in marriage.¹⁷² Ponder what such a young woman could not do: corseted, dressed in finery, her hair elaborately coiffed, she could not play hard, dig in the dirt, or go for a swim in the river, especially if it were located near the slave camp. She could not go for a long tramp in the woods, learn to fix a plow, or ride a horse at breakneck speed through the country.

She could not do any of these things, because Southern ladies were expected to be the repositories of civilization and refinement.¹⁷³ And they grew up saddled with these limitations precisely because black men led the opposite life—brutalized, dirty, sweating, beaten, and deprived of the opportunity to learn to read, paint, or write.¹⁷⁴ Because slave life was brutal and mean, white women, living in the big house, were expected to personify the opposite values.

At the time, Southern women may have thought themselves fortunate. They were not required to work, develop their minds, or learn a career. It was not until years later that feminist writers began to realize how limiting this conception of woman's ladylike role was and began to press for opportunities for women in the professions, politics, education, and the arts.

In short, the institution of slavery oppressed both black slaves and white women. Their oppression was inextricably linked, yet they were not candidates for coalition politics in the ordinary sense. Yamamoto, Guinier, and Torres find opportunities for joint action only when two or more groups experience the very same form of mistreatment.¹⁷⁵

¹⁷⁰ See PEREA ET AL., *supra* note 6, at 108–23; Judith Kelleher Schafer, "Details Are of a Most Revolting Character": Cruelty to Slaves as Seen in Appeals to the Supreme Court of Louisiana, in *SLAVERY AND THE LAW* 241, 257 (Paul Finkelman ed., 1997).

¹⁷¹ See DELGADO & STEFANCIC, *supra* note 136, at 5 (commenting on the connection between analysis of women's roles and those of men of color); Tessie Liu, *Teaching the Differences Among Women from a Historical Perspective: Rethinking Race and Gender as Social Categories*, 14 *WOMEN'S STUD. INT'L F.* 265, 270–74 (1991) (implying a causal relationship between white women's and black men's roles in the old South).

¹⁷² See MARY BOYKIN CHESNUT, *A DIARY FROM DIXIE* (Isabella D. Martin & Myrta Lockett Avery eds., 1905); MARGARET MITCHELL, *GONE WITH THE WIND* (1936).

¹⁷³ See Armantine M. Smith, *The History of the Woman's Suffrage Movement in Louisiana*, 62 *LA. L. REV.* 509, 510 (2002).

¹⁷⁴ See Schafer, *supra* note 170.

¹⁷⁵ See, e.g., *supra* note 50 and accompanying text.

Slaves and white women, however, were not oppressed in the same way—through unfair SAT requirements, for example, or low wages from a meatpacking plant. Rather, their oppressions were complementary. Few women appreciated the link at the time. Although some railed at their own bondage and fewer still at the crasser form of bondage visited on the slaves, none seems to have seen her oppression as intrinsically related to that of the slaves.¹⁷⁶ Slavery and women's subjugation were separately unjust. Because the connections between the two forms of injustice were indirect and veiled, the idea of coalition simply did not arise. Justice and injustice may be indivisible, but if we rely, as most coalition theorists do, on the existence of a tangible inequity visited on two groups by the same actor and in like fashion, we shall miss opportunities to redress the linked underlying structures that do the most damage.

2. *The Ending of the Civil Rights Era*

As a second example of how difficult it can be to discern the alignment of two groups' interests, consider the fate of the Civil Rights movement of the 1960s. As Derrick Bell, and now Mary Dudziak, have persuasively argued, *Brown v. Board of Education* and the softening of racial attitudes that it ushered in were attributable not so much to moral breakthroughs on the part of whites, but rather to changes in elite self-interest, which in turn were the result of Cold War competition.¹⁷⁷

But what has only recently come to light is that many of the same factors that brought about *Brown*, the 1964 Civil Rights Act, and other similar successes also account for the demise of that heady era a decade later.¹⁷⁸ By that time, the Civil Rights movement had taken a significant turn. At first prayerful, decorous, and nonviolent, the Civil Rights movement changed its tenor with the appearance of Black Power.¹⁷⁹ Panthers armed themselves, began quoting Mao, Marx, and Lenin, and preached cultural nationalism and pride.¹⁸⁰ Malcolm X wrote that whites were Satanic.¹⁸¹ The white establishment responded in two ways: with deadly force for the Panthers, and with grants and jobs in the federal OEO program for other community leaders of

¹⁷⁶ A few may have sympathized with the slaves, or wished themselves freer. But my research has disclosed no female writer from this period who anticipated Tessie Liu's thesis. See *supra* note 171.

¹⁷⁷ See MARY DUDZIAK, *COLD WAR CIVIL RIGHTS* 250–51 (2002); Bell, *supra* note 90, at 524.

¹⁷⁸ See Delgado, *supra* note 130, at 376–87.

¹⁷⁹ See *id.* at 376–82.

¹⁸⁰ See *id.* at 381.

¹⁸¹ See *id.* at 380.

color who were willing to embrace a more conciliatory line.¹⁸² Soon, the movement changed direction. Economic empowerment succeeded confrontation and war protests. As it had done earlier with figures like Paul Robeson, Geraldine Baker, and W.E.B. DuBois, the mainstream black press condemned militant radicals who criticized America, the idea of fighting in foreign wars, or capitalism.¹⁸³ And, as had happened before, incipient black radicalism was placed on hold, not to return again until a tamer version, Critical Race Theory, appeared on the scene in the mid-1980s.¹⁸⁴

Today, black fortunes are again languishing, with cutbacks in affirmative action, contractions in welfare, and increasing housing and school segregation.¹⁸⁵ Yet, a generation of radical leaders that might have given voice to the community's discontent is gone.¹⁸⁶ If communities of color in the 1970s had perceived their collective self-interest, they might not have been so quick to reject their own indigenous radicalism in return for the helping hand of Ford Foundation dollars and jobs in the federal antipoverty program.

The point of these examples is that although the imperative of justice may be relatively clear at any moment in history, that of self-interest may not be. Not only can coalitions be ungainly, ephemeral, and difficult to hold together, they may center around the wrong measures entirely. If, as I believe, this difficulty inheres in coalition politics, the arsenal of civil rights remedies must contain much more than strategies that rely on collective action.

IV

RACIAL SOLIDARITY: THE HISTORICAL RECORD

As Parts II and III demonstrate, interminority solidarity faces formidable obstacles, both theoretical and actual. Yamamoto, as well as Guinier and Torres, give these obstacles short shrift, barely mentioning a few in passing.¹⁸⁷ Moreover, the examples of successful coalition that they do cite¹⁸⁸ are rarely balanced with discussions of ones that failed. The authors are, in short, selective and upbeat about the prospects of cooperation among minorities as a means of strengthening

¹⁸² See *id.* at 382-85.

¹⁸³ See *id.* at 376-82.

¹⁸⁴ See *id.* at 369-71.

¹⁸⁵ See generally NAT'L URBAN LEAGUE, *supra* note 153 (providing essays on the socioeconomic differences among African Americans, affirmative action, school choice, and housing issues within the African American community).

¹⁸⁶ On the contemporary crisis in black leadership, see CORNEL WEST, *RACE MATTERS* (1993).

¹⁸⁷ See, e.g., GUINIER & TORRES, *supra* note 8, at 17, 79, 86-89, 101, 122; YAMAMOTO, *supra* note 9, at 10-11, 175-90.

¹⁸⁸ See *supra* notes 21-26, 61-65 and accompanying text.

democracy and promoting justice. Unfortunately, the historical record is more mixed than that. Missed opportunities for coalition are as numerous as the successes.

A. Outgroup Solidarity

Consider how, shortly after being released from slavery, blacks joined the Buffalo Soldiers and helped put down Native-American rebellions.¹⁸⁹ The Native Americans, who might have expected solidarity with blacks, got trained killers instead. A few years later, middle-class Mexican Americans adopted the "other white" strategy as a way of combating discrimination in housing, public accommodations, and schools.¹⁹⁰ Under this approach, Mexican community organizations argued that discrimination against Mexicans in the United States is illegal because Mexicans are white, and unlike with blacks, no state statutes permitted discrimination against whites.¹⁹¹

In World War II, neither the NAACP nor any other major black organization filed an amicus brief in *Hirabayashi*¹⁹² or *Korematsu*,¹⁹³ the two Supreme Court cases challenging the legality of Japanese internment.¹⁹⁴ No ethnic group of color has demonstrated conspicuous solidarity with Muslims facing discrimination in the United States today.¹⁹⁵ In California, Japanese parents objected to a San Francisco school board policy of assigning their children to schools for Chinese and Koreans.¹⁹⁶ Many years later, the Chinese successfully sued the same board to set aside an admissions policy at elite Lowell High School that favored the admission of African Americans and Latinos and placed a ceiling on the admission of every group, including whites and Asians.¹⁹⁷

¹⁸⁹ See Delgado, *supra* note 113, at 294.

¹⁹⁰ See *id.* at 295–96, 303.

¹⁹¹ See *id.* at 296.

¹⁹² 320 U.S. 81 (1943).

¹⁹³ 323 U.S. 214 (1944).

¹⁹⁴ See Delgado, *supra* note 113, at 302. One might speculate that the organizations took no position on the Japanese precisely because the black community hoped to reap the rewards of patriotism and loyalty to America. See PHILIP A. KLINKNER & ROGERS M. SMITH, *THE UNSTEADY MARCH: THE RISE AND DECLINE OF RACIAL EQUALITY IN AMERICA* 161–201 (1999) (pointing out that black fortunes often improve during wartime).

¹⁹⁵ Cf. Adam Cohen, *Making Money Backwards*, N.Y. TIMES, Oct. 13, 2002, Book Review section, at 20 ("In the midst of a lengthy attack on racial profiling of blacks, [Johnnie Cochran] volunteers that profiling on airlines, presumably of Middle-Easterners, is just fine.").

¹⁹⁶ See Richard Delgado & Jean Stefancic, *California's Racial History and Constitutional Rationales for Race-Conscious Decision Making in Higher Education*, 47 U.C.L.A. L. REV. 1521, 1565 (2000); see also Delgado, *supra* note 113, at 295–96 (discussing similar lapses in minority solidarity).

¹⁹⁷ See *Ho v. S.F. Unified Sch. Dist.*, 147 F.3d 854 (9th Cir. 1988); PEREA ET AL., *supra* note 6, at 745; Delgado, *supra* note 113, at 303.

Even *within* groups, we see breaches of coalition when the payoff is high enough. In plantation society, the owner would frequently assign lighter-skinned slaves to desirable household work or jobs supervising the dark-skinned field hands.¹⁹⁸ The higher-status blacks were expected to spy on their brothers and sisters and report any rumor of rebellion or escape.¹⁹⁹ During World War II, many Japanese fought gallantly in the U.S. Armed Forces at a time when their families were languishing in concentration camps.²⁰⁰ In our time, law schools are happy to assign charming associate and assistant deans of color the tasks of dealing with student complaints, while major corporations frequently employ Asian or light-skinned, European-looking Latinos to serve as personnel directors charged with laying off minority workers.²⁰¹ Who could successfully charge discrimination if the person who fired you were a fellow person of color?

B. White Solidarity

Although enduring coalitions among minority groups are rare, the situation is different on the other side of the color line. White subgroups often successfully ally with each other for various purposes, which include putting down insurgent factions of color.

History recounts how Jews, Italians, and Irish arrived in large numbers during the great wave of immigration that swept the country in the early years of the twentieth century.²⁰² When they arrived, the dominant Anglo-Saxons regarded them as nonwhite, even black.²⁰³ Psychologists pronounced them inferior, even retarded.²⁰⁴ Social and settlement-house workers labored hard to induce them to give up their inferior cuisine, language, and ways.²⁰⁵

Over time, these groups gained admission to the white race by virtue of swearing loyalty to the Democratic Party, acquiring wealth, sometimes by means of organized crime, and learning to discriminate against the group at the real bottom of society—blacks.²⁰⁶ Although the white coalition has changed its orientation in a few respects (a majority of whites now belong to the Republican Party), it has never wavered. No large group has ever abandoned it or sided decisively

¹⁹⁸ See Delgado, *supra* note 113, at 294.

¹⁹⁹ See *id.*

²⁰⁰ See Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 339 (1987).

²⁰¹ Cf. Delgado, *supra* note 113, at 294, 295 & nn.75, 77, 299 & n.110 (describing instances in which whites have pitted one minority group against another).

²⁰² See CRITICAL WHITE STUDIES, *supra* note 125, at 354–56, 360–67, 395–405.

²⁰³ See PEREA ET AL., *supra* note 6, at 445–53.

²⁰⁴ See *id.* at 453; STEFANCIC & DELGADO, *supra* note 100, at 35–36.

²⁰⁵ See Delgado & Stefancic, *supra* note 196, at 1571.

²⁰⁶ CRITICAL WHITE STUDIES, *supra* note 125, at 348–56.

with people of color. During the Civil Rights revolution of the 1960s, many young people, Jews, and some middle-aged white radicals supported black justice.²⁰⁷ Today, that support has waned.²⁰⁸ Once an immigrant group gains admission to the white race, membership, for all intents and purposes, lasts forever.²⁰⁹

Not only is the white coalition stable, it has managed to stave off solidarity on the other side of the color line by designating small “pet” groups of inoffensive minorities to control the other minority groups and rebut any accusation that the dominant group is racist.²¹⁰ Minorities are not above succumbing to this strategy. Recall how in recent mayoral elections in Los Angeles and New York, black loyalists readily sided with old-time white pols who could be counted on (they thought) to dispense patronage in predictable ways, and against upstart Latino candidates who had a real chance at winning.²¹¹

Blacks and whites do understand each other; they go back a long way.²¹² In some respects, they have more in common with each other than they do with either Latinos or Asians because of those groups’ peculiar languages, cultural habits, and un-American ways. However, whites and at least some Latinos do have one thing in common—skin color. Light-skinned Latinos, as black (and white) commentators have noted, experience little difficulty assimilating into the dominant society, moving into white neighborhoods, and winning jobs in corporate hierarchies.²¹³ Their rate of intermarriage is also higher than that of African Americans.²¹⁴ Moreover, history is replete with examples of opportunistic coalitions between Latinos and Anglos. Early on, Anglo settlers were happy to marry Spanish, then Mexican, *señoritas* in the Southwest in order to gain access to the woman’s landholdings.²¹⁵ Later, many Mexican Americans served in the most

²⁰⁷ See generally RICHARD KLUGER, *SIMPLE JUSTICE* (1975) (describing the activists and events leading up to the Civil Rights era).

²⁰⁸ On the decreasing public support for civil rights, see DELGADO, *supra* note 160, at 11–38, 159–61.

²⁰⁹ That is, no group that has gained admission in this fashion seems to have been expelled from the white race, much less voluntarily withdrawn from it.

²¹⁰ See Delgado, *supra* note 113, at 299.

²¹¹ See Ellis Cose, *A Brownout in Los Angeles*, *NEWSWEEK*, June 18, 2001, at 31, 32; William J. Stern, *Blacks vs. Latinos*, *CITY J.*, Summer 2001, at 7; Patrick Reddy, *Political Lessons from L.A.*, UPI, June 19, 2001, LEXIS, News Library, UPI File.

²¹² See *Our Next Race Question*, *HARPERS*, Apr. 1996, at 55 (printing a conversation between Jorge Klor de Alva, Earl Shorris, and Cornel West).

²¹³ See GUINIER & TORRES, *supra* note 8, at 7, 9, 226, 228. For a critical examination of this phenomenon and its desirability, see Sylvia R. Lazos Vargas, *Deconstructing Homo[geneous] Americanus: The White Ethnic Immigrant Narrative and Its Exclusionary Effect*, 72 *TUL. L. REV.* 1493 (1998).

²¹⁴ Kevin R. Johnson, *Melting Pot or Ring of Fire?*, in *THE LATINO/A CONDITION*, *supra* note 154, at 427, 428–29.

²¹⁵ See PEREA ET AL., *supra* note 6, at 912.

American of institutions—the U.S. Army—to demonstrate loyalty to a country that had rejected them at every turn.²¹⁶

CONCLUSION: THE ALTERNATIVE TO COALITION, JUSTICE

For the reasons mentioned, coalition among outgroups is unlikely to prove a very effective route to improvements in their social condition. Coalition is likely to founder on cultural misunderstandings or historical grievances, and to encounter internal defections and efforts by the dominant group to split the coalition.

Although it is true that justice includes a social dimension, it does not follow that the best way to achieve justice is through a collective approach. A collective approach may fail because of unarticulated differences in objective, motivation, or point of view. Collective action may turn out to require enormous investments of energy in addressing grievances the parties have harbored against one another. They may founder on the shoals of narratives, stock stories, and preconceptions about the other group or how the rapprochement should proceed. Solidarity may break down when one group abandons the alliance in favor of a different group that has more to offer. Hierarchy of the very sort the coalition deplors may infiltrate the alliance, with high status subgroups gravitating toward the most coveted jobs.

What avenue, then, is open to minority groups eager to claim a fair share of society's bounty? Why not abandon coalition—a procedural device beset by a host of difficulties—and instead labor straightforwardly for social and material justice? This approach might include, for example, Latinos organizing for bilingual education and expanded immigration policies, blacks agitating against police profiling, and Native Americans fighting for sovereignty and self-rule. It might include all these groups pressing, individually or collectively, for retention of affirmative action in higher education.

In the movie *The Untouchables*, Robert DeNiro's character (Al Capone) uses a baseball metaphor to explain his philosophy of teamwork.²¹⁷ Most of the time, he says, he is happy to be on a good team. He depends on his teammates to do their jobs, especially when he plays the field. But when he is batting, he relies on no one but himself. In similar fashion, today's outsider groups need to ponder what tasks are best accomplished in concert with others, and which are better undertaken individually. For some projects, justice turns out to be a solitary, though heroic, quest, and the road to justice is one that must be traveled alone, or with our deepest, most trusted companions.

²¹⁶ See *id.* at 1003–04 (reprinting Richard Estrada, *Military Success for Hispanics Is Tied to Education*, CHI. TRIB., Feb. 25, 1997, at 19).

²¹⁷ THE UNTOUCHABLES (Paramount Pictures 1988).