

LIMITS OF POLITICAL STRATEGY: A SYSTEMIC VIEW OF THE AFRICAN AMERICAN EXPERIENCE

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Viewing the African American experience through a systemic perspective tells much about the nature and operation of the political system. I suggest that a systemic perspective incorporates a broad range of factors that must be considered in a constitutional context that guides not only the choice of goals and strategies, but also signals the relative chances of success in the outcome of interest conflict. I focus on the capacity and limits of various strategies, and show how the political system generally militates against fundamental policy change. However, on rare occasions such policy change does occur, but it is difficult to implement and maintain, especially regarding the matter of race. Under the circumstances, I suggest that overcoming America's continuing dilemma of race requires extraordinary leadership and people of good will who are determined to see the constitutional-democratic system work.

How to deal with what Tocqueville and Myrdal long ago referred to as the "Negro problem" remains a dilemma for our American polity.¹ Indeed, the overall problem of race and color continues to plague the political system and appears intractable to solution (Bell 1987). It is also apparent that the problem will not fade away; nor can it be long forgotten or ignored. Thus, to address the problem of race and color is to address the nature and problems of American politics.

The overall effort here is to show how these matters can be most profitably addressed through a systemic perspective. Specifically, I shall suggest that a systemic perspective incorporates a broad range of factors (economic, social, cultural, institutional, political, and legal) and that in the development and implementation of public policy, the complex of relationships among these various factors must be considered and balanced in a constitutional context that not only guides the choice of goals and strategies but also signals the relative chances of success in the outcome of interest conflict.

Viewing the African American experience through a systemic perspective might tell us a great deal about how the nature, structure, and operation of the political system facilitates, impedes, or otherwise affects the realization of the democratic promise. That promise, as seen by African Americans and as reflected in the formal contours of our Constitution and laws, is the fair and equal opportunity for each person to develop to full potential, consistent with the clear recognition of the identity, worth, and respect that is due to every person by virtue of their status as human beings.

The focus in this essay is on the African American experience since 1950.² Over the ensuing 15 years, we see a convergence of developments (including path-breaking court decisions, a broad-based Civil Rights movement, and the enactment of major civil rights

legislation), whose interactive and combined effect spurred the kind of recognition and protection of basic rights that had long been denied to African Americans. Developments such as these dramatically exemplified the strong determination of African Americans to use (like others) a range of strategies (e.g., litigation, direct action, and electoral politics) to promote and protect their policy interests. Of more enduring importance, policies emanating from the 1950s and 1960s now provided a more viable legal framework within which to utilize such strategies.

To be sure, there is a rather rich scholarly literature on the overall nature and functioning of our politics and political system and on how blacks and their allies have attempted to overcome the deleterious effects of racial segregation and discrimination. The scholarly record, however, does not sufficiently delineate (except rarely or by casual discussion) what the African American experience suggests about the relative limits and capacity of various strategies (when viewed in context of the overall political system) to achieve fundamental policy change.³ In brief, though measurable progress has been made, the African American experience since the 1950s indicates clearly that no matter the individual or collective thrusts of the strategies employed, glaring incongruities remain between democratic theory as expounded in the law and the empirical reality as experienced in everyday life and practice.

This essay projects a continuing hope tempered by empirical reality. It is informed by my research and teaching over some 30 years and enriched—but I hope not blinded—by a lifetime of personal involvement and experience. From a theoretical perspective, we are interested in the differential consequences of various forms and structures of our politics and governing system that serve to maximize or impede the practice and potential for democratic government. The practical importance of our discussion is

clearly evident. Developments at home and from around the world demonstrate concretely the urgent need to show how individuals and groups from diverse racial, ethnic, religious, and cultural backgrounds can be fairly and peacefully united into effective democratic governments and societies.

That we must face such problems is not a matter of choice but one of necessity. Sheer demographics alone illuminate the imperatives for doing so.⁴ Indeed, one does not have to be a soothsayer or doomsayer to suggest that dealing with such problems is likely to prove a cutting issue of politics and governance at home and abroad for some time to come. Clearly then, this is an issue to which political scientists should give increased attention. Should we not do so, then we will, in fact, be as irrelevant—or as “merely academic”—as some of our critics so often claim we are.

Let us, then, consider what the African American experience might tell us about the nature and functioning of our politics and political system.

FROM LEGAL PRINCIPLES TO POLITICAL REALITY

Since 1950, policy conflict with respect to the African American experience may well be described as moving along a continuum from the principles and dynamics of moral-legal combat to the realities and vagaries of everyday practical politics. Indeed, during the past four decades, African Americans have used an expanding range of strategies to promote their interests. Different strategies of resource or influence mobilization are substantially dictated by the rules and norms of particular institutions. If the votes are available to offer a hope of winning office, for example, then electoral politics makes sense. If not and appeal to constitutional-legal principles seems more promising (as it did in the 1950s), then the decision of Thurgood Marshall and the NAACP to resort to litigation, rather than electoral politics, appears altogether the sensible course to take.

Litigation as political strategy is inextricably linked to the limits and capacity of courts as governing institutions in the political process. The chief benefits of using courts and litigation for political strategy rest on two major pillars: (1) the responsibility of the federal judiciary to expound ultimately the meaning and limits of the Constitution as the supreme law of the land and (2) the widely held view, no matter what the empirical reality, that we are a “government of laws, not of [persons].” The authority of the judiciary in constitutional interpretation, bolstered by its authority in statutory interpretation, accords the judiciary (especially the U.S. Supreme Court) a highly visible role in our politics and policymaking.

In addition, the resources needed to negotiate and prevail through litigation are far less massive than those needed to prevail in electoral politics. Law and reasoned argument, not popular support and politi-

cal influence, are the crucial determinants ostensibly needed to prevail in the judicial arena (Barker 1967). This was reflected well by Justice Brennan’s widely quoted comment in *NAACP v. Button*, where he stated forthrightly: “Groups which find themselves unable to achieve their objectives through the ballot frequently turn to the courts. . . . Under the conditions of modern government, litigation may well be the sole practicable avenue open to a minority to petition for redress of grievances” (*NAACP v. Button* 1963, 429–30).

Even so, the capacity of courts remains limited (Horowitz 1977, 17–56). Indeed, some of the benefits that some attribute to courts might likewise serve to limit the use and viability of litigation as political strategy. For example, the nonelective character of the federal judiciary might serve to limit not only the relative legitimacy and acceptance of judicial policy but its nature and scope, as well.

The judiciary is also limited in that, for example, it is not a self-starter and cannot initiate action but, rather, must wait for such action to be brought. Similarly, the nature and scope of judicial policymaking is said to be limited by the particular and limited confines of the case or controversy requirement. Just as with its benefits, however, these limits on litigation are not static or fixed but may be modified or circumvented in accord with the force of dynamics existent under the circumstances involved.

Thus, when viewed in overall context, the use of litigation as political strategy was not chosen by accident by Marshall and his colleagues. They were keenly aware of the dire lack of interest representation that African Americans commanded prior to the 1954 *Brown* decision in both the judicial and the elective-political forums. Indeed, part of Marshall’s genius as a litigator was his grasp of the federal judiciary in systemic perspective. He viewed the courts as “part of a system in which various political and legal actors act interdependently, responding to one another within the [opportunities] and constraints of their various constitutional roles” (Barker 1992, 1240).

The legal principle sought and articulated by the Court in the 1954 school desegregation cases effected a revolutionary change in our constitutional law and provided important symbolic and substantive supports with potentially important consequences. This was clearly reflected, for example, by the position of the United States in its amicus brief supportive of the NAACP position in the 1954 *Brown* litigation. The government said: “The subordinate position occupied by Negroes in this country as a result of governmental discriminations presents an unresolved problem for American democracy, an inescapable challenge to the sincerity of our espousal of the democratic faith. . . . We know the way, we need only the will” (*Brown v. Board of Education* 1954, 166).⁵

Nevertheless the very success of pro-civil rights interests in the 1954 cases demonstrates both the strength and limits of litigation strategy. Though grandiose in rhetoric and certainly important, a sys-

temic perspective tempers one's assessment of the victory achieved in *Brown*. In 1955, the Court outlined the obviously ambiguous terms under which its new legal policy was to be implemented *with all deliberate speed*. "It is clear," as a former general NAACP counsel put it some years later, "that what the formula required was movement toward compliance on terms that the white South could accept" (Carter 1968, 243).

Other systemic factors contributed to the tenuousness of the Court's policy announced in *Brown*. This was clearly reflected by the equivocal support that the Court received from important political elites, including President Eisenhower himself, and the outright hostility and opposition openly voiced by a host of congressional leaders and state officials.

Indeed, though Marshall's litigation strategy had wrought fundamental changes in the law, there were no corresponding changes in the everyday life and practice of the masses of black Americans. Among other things, this situation illuminated clearly the limited nature of judicial efficacy in terms of effecting major social change and served to increase the rising tide of black discontent.

Direct Action Politics: The Civil Rights Movement

The torch of black leadership thus passed from the legal lawyer-leadership of a Thurgood Marshall to the political movement-protest leadership of a Martin Luther King. This leadership transformation reflected the urgent need and desire of African Americans to bring about more immediate and far-reaching policy change unrestricted by the legalities, structures, and formalities of courts and litigation. The term *movement* itself is "a language of action" that stresses "the imminence of the crisis," "the magnitude of the stakes involved," and conveys "a sense of dynamic growth and prospective impact" (Salisbury 1989, 29). Indeed, "the political logic that underlies movements is that only large-scale action and demands can get beyond incrementalism to achieve fundamental changes in the structure of social relations, political power, or economic reward" (p. 22). Further, the strength of masses and numbers themselves lends a democratic character to the movement and its cause.

Movement-protest politics provides an attractive option to those who lack the resources needed to make effective use of electoral politics, litigation, or other strategies to achieve their objectives. Direct action movement politics lacks many of the socioeconomic biases that work against involvement of such groups or persons in more "mainstream" forms of political participation, such as electoral politics and interest group and party activity (Schattschneider 1975). In other words, movement politics draws support from the "underaffiliated segments of society" (Salisbury 1989, 25). Movements espouse large-scale collective action and encourage people to press for their appeals not only upon legislators and other policymaking elites but also on public opinion generally. Movement politics, with its marches, demon-

strations, and protests, attracts attention of communication media, raises the consciousness of both actual and potential supporters, and (when it succeeds) expands the scope of conflict (Baumgartner and Jones 1993; Schattschneider 1975).

But such apparent benefits may also hold some costs. Expansion of the scope of conflict, for example, might well invite sympathizers to become active supporters and apathetic bystanders to become sympathizers. But this very expansion may arouse opposition and engender backlash. Media coverage similarly cuts both ways: it provides exposure and free publicity to movements, but it can also galvanize opposition and may misrepresent and distort the image or goal(s) of the movement and stir leadership tensions within the movement itself (Gitlin 1980, 146-79).

Moreover, political movements constitute attempts to change some basic political and social practices and bring them into line with what some writers have labeled the "American creed" (Huntington 1981; Myrdal 1962, chap. 1). But some of these changes, such as those involving fundamental economic power relationships, fail to attract much support. Not only do these changes call for a redistribution of wealth and power, but they would require Americans to question some components of the "American creed," such as self-reliance and the superiority of free enterprise. This was why, initially at least, the Civil Rights movement did not push the economic issues to the fore, although they were clearly on Martin Luther King's agenda. He had stated that for years the Negro "had lived on a lonely island of economic insecurity in the midst of a vast ocean of material prosperity" (King 1963, 11).

Movement politics undoubtedly captured the attention of many African American communities, indicating growing unease and discord with the NAACP and a legal approach whose ultimate policy implications were not fully spelled out.

Given the circumstances, resources, and stakes involved, the resort to direct action-movement politics was likewise an altogether plausible strategy. This is reflected well by Martin Luther King, who indicated disappointment with not only the ambivalence of judicial policy but also the response and reaction to the Court's decisions. "The failure of the nation, over a decade, to implement the majestic implications of these decisions, said King, led "to the slow ebb of the Negro's faith in litigation as the dominant method to achieve his freedom. In [the Negro's] eyes," King continued, "the doctrine of legal change had become the doctrine of slow token change and, as a sole weapon of struggle, [has] now proved its unsuitability" (1963, 23). King also stated that "the outburst [of African American discontent]"—his characterization of the 1963 massive march on Washington—was also "rooted in the disappointment with both political parties."

Overall, the congruence of its basic goals with constitutional-democratic norms, plus the practical realities of the existent situation, gave a strength and

unity to the Civil Rights movement far beyond what traditional indices of political clout would suggest. And as it evolved, the movement engendered a crisis situation and attracted the kind of mass and elite support that would eventually stir a reluctant America and two presidents to action.

Not unlike litigation, the successes attributed to the Civil Rights movement also revealed its limits and capacity as political strategy. The 1963 march on Washington and the subsequent passage of the civil rights acts of 1964 and 1965 represented the high point of the Civil Rights movement. But once those broad policy goals were achieved, the capacity and limits of movement-protest as political strategy came into sharper focus. Attention began to focus on new directions and on the question, Where do we go from here? Factionalism and tensions once again emerged. Differences over strategy and tactics between and among civil rights organizations provided constant tensions and threatened to jeopardize the strength and objectives of the overall movement, but until the legislation of 1964 and 1965 had been enacted, the appeal for unity prevailed. A movement must continue to advocate stirring goals of broad appeal, and it was not at all clear after 1965 what these might be. In the same spirit, one scholar has recently suggested that once the Nineteenth Amendment was enacted, the organized pressure for maternity and other welfare benefits abated, and those programs quietly faded away (Skocpol 1992). After the vote was fully secured, the "women's movement" lost much of its momentum in respect to other objectives.

Indeed, the wide visibility and media coverage that can help mass movements through activating more sympathizers and supporters might similarly publicize that the movement's objectives have been achieved, thus lessening the imperative for the continuation of the movement. This is particularly a salient point in that many African Americans viewed the right to vote and participate freely in elections as the watershed accomplishment.

From Protests to Politics: Electoral Politics as Political Strategy

Whatever its potential, the Voting Rights Act sparked the decided shift of African Americans from "protests to politics." Perhaps the most salient advantage of using *electoral politics* as political strategy is the widely shared belief in the legitimacy of elections as expressions of the popular will, and thus as the core of democratic government (Grofman and Davidson 1992, 261-317). This belief has been strengthened over time by Court decisions reaffirming elections and the right to vote as fundamental and essential to democratic government (e.g., *Baker v. Carr* 1962; *South Carolina v. Katzenbach* 1966).

Further, election campaigns tend to engender widespread media coverage, providing visibility to particular candidates and the interests they represent. Even more basic (as already intimated), electoral

politics, in contrast to other strategies, provides a built-in legitimizing mechanism (elections) from which elected officials and their policy interests benefit. A system of regular free and open elections gives meaning and vitality to the theory of representative government. But the extent to which these concepts are realized in practice points toward some of the limits of electoral politics.

One such limitation is the prevalence and continued use of electoral structures that are not responsive to desires of large numbers of voters. These structures determine in large measure how votes translate into legislative seats. The legitimacy attached to elections, however, makes it difficult to change established electoral structures, no matter what built-in biases are involved. This was essentially the issue that spurred President Clinton to withdraw his nomination of Lani Guinier as assistant attorney general for civil rights. These situations do indeed raise important questions concerning what can be accomplished through electoral politics (Fraga and Anhalt 1993; Guinier 1991a and b). Consider, for example, questions relating to vote dilution, the continued great underrepresentation of African Americans in our governing institutions, and the impact of racial-bloc voting and racial stereotyping (Williams 1990).

An additional downside to the use of electoral politics as political strategy is that it is indeed difficult to translate votes and elections into policy outcomes. And even should policies result, the monies and taxes needed to implement such policies depend on a confluence of political and economic forces difficult for elected officials, acting alone, to control.

These reservations aside, however, the right to vote is seen by many African Americans and others as both a basic cherished democratic right and a powerful political weapon. Thus, with the vote secured, black voter registration skyrocketed, as did the number of black elected officials. Blacks were elected to political office throughout the entire system, at national, state, and local levels. This movement from "protests to politics" was especially highlighted by the election of a host of big-city black mayors. These developments perhaps reached their apex in the late 1970s and early 1980s, leading many to think that at long last, African Americans were well ensconced in the political system.

But as time passed, the success of blacks in gaining elective office and their experiences there began to illuminate anew and quite vividly the limits of electoral politics as political strategy. This is particularly salient at local levels, where blacks have made their greatest gains in winning elective political office. Holding local office in Detroit, New Orleans, and Los Angeles, however, does not bring with it the resources required to address the needs and heal the wounds of the core city population. But at the state and national levels, where resources might be more readily mobilized for such purposes, African Americans are not nearly as strongly represented, thus making their local political power seem a "hollow prize" indeed (Friesma 1969; Preston 1990).

The fluidity of electoral politics as political strategy has also been demonstrated at the highest level. Eight years under Nixon–Ford led many African Americans to fear continued Republican rule. In particular, President Nixon’s “southern strategy” resulted in appointments to the Supreme Court that portended the erosion of recently won judicial and legislative policies supporting pro–civil rights interests. Not unexpectedly, then, in the 1976 elections blacks gave their strong support to Democratic candidate Jimmy Carter, clearly hopeful that he would reverse particular policy trends of the Nixon–Ford era.

But such expectations soon turned to disappointment. Whatever the reason, the Carter administration undertook few policy initiatives regarding minority concerns. (e.g., housing, jobs, education). To be sure, Carter did appoint a number of blacks to important positions, including the appointment of a record number of blacks and minorities to lower federal courts. However, this did not blunt the overall frustration and disappointment felt by many blacks toward the Carter administration.

This general disenchantment was further exacerbated by messages emanating from the Supreme Court that began more fully to reflect the impact of the changing political climate on courts and law. To be sure, certain decisions of the Burger Court relating to privacy and the rights of women served generally to advance rights and liberties. But the record of the Burger Court in other areas, such as school desegregation, affirmative action, and voting rights was decidedly mixed, with uncertainty being reflected between—and even within—decisions. In short, though the Burger Court did not bring about the counterrevolution that some had expected, its overall decisional thrust was to make more uncertain the kind of support and representation that African Americans had come to expect from the Warren Court (Barker and Jones 1994, chap. 5). The 1980 *Mobile* voting rights case especially roused opposition among civil rights interests: the decision’s “intent” standard rather than “results” standard clearly threatened the effectiveness of the Voting Rights Act of 1965—the central foundation upon which blacks based an “electoral politics” strategy. Subsequently, however, pro–civil rights interests did succeed in persuading Congress to pass remedial legislation designed to overcome the adverse effects of the *Mobile* decision.⁶

The Resurgence of “the system”: The Central Force of Electoral Politics

The 1980 presidential election demonstrated concretely the increasing popular disquiet over the real or perceived consequences and trends flowing from major policy thrusts of the 1950s and 1960s. Indeed, the 1980 election (and the 1984 and 1988 elections as well) illuminate once again that electoral politics lies at the center of our politics and political system.

As expected, and given his constituency base,

President Reagan gave little support to African Americans and pro–civil rights interests. His legislative agenda and budget priorities brought about “a total redefinition of racial equality”: “Throughout government and in the management of many major institutions, the view that further governmental action for racial equality was necessary simply disappeared” (Orfield and Ashkinaze 1991, 205–7).

In general, the national consensus and commitment to civil rights forged during the 1960s was clearly coming apart, to be replaced by policies and officials who assumed that enough had been done, and, as they saw it, had now resulted in policies and practices that were unfair to whites (e.g., affirmative action). During the Reagan administration, key civil rights agencies (e.g., the Civil Rights Commission and the Civil Rights Division in the Department of Justice) were headed by officials who shared these views and acted on them.

Ironically, it was through courts and litigation that the Reagan administration brought about changes that are likely to endure for some time. In addition to making an unusually large number of judicial appointments (Goldman 1989; Lyles 1991, chap. 5), Reagan’s legacy also reflects his administration’s aggressive use of litigation as political strategy. Indeed, as suggested by his former solicitor general Charles Fried (1991), the Reagan administration directed and strongly supported litigation specifically designed to overturn judicial policies favorable to pro–civil rights interests.

Although the Reagan era saw an increase in the number of black elected officials, it was at a slowed rate. Even more, drastic budget cuts reduced the value of many of these offices. This was particularly salient among African Americans whose mayoralty elections in some of the nation’s largest cities did not have as much impact on people’s lives or conditions as many persons, including blacks, had thought or expected (Preston 1990).

This was the overall political climate that gave rise to the candidacy of Jesse Jackson for the Democratic presidential nomination in 1984. The Jackson candidacy, evolving as it did, dramatized well the strategic shift of African Americans from movement–protest to an electoral politics strategy (Barker 1988; L. Morris 1990). And Jackson’s candidacy achieved benefits far beyond what traditions and resources would suggest. But it—and his 1988 campaign as well—illuminates vividly some of the limits of electoral politics for African Americans. These limits were clearly illustrated by Jackson’s relative lack of resources (e.g., money, experienced staff, policy analysts) needed to run a competitive campaign for the presidential nomination. This situation reflects clearly the underrepresentation of African Americans not only in politics and government but in other major socioeconomic sectors from which money, staff, and other resources needed to negotiate the rigors of electoral politics (and interest group politics generally) would be expected to come. But perhaps of greater importance, the limits of electoral politics were also illustrated in

Jackson's campaigns by the large number of white Americans (about 20%) who indicated that they would not vote for any African American candidate for president, no matter how qualified (L. Williams 1990, 51).

As a candidate, Bush vowed to follow the lead and policies of the Reagan administration, and as president, he made good on this promise. During his campaign, for example (and reflective of his constituency) Bush took strong positions seemingly designed especially to attract and increase the white vote (e.g., the need to revamp the welfare system and to strengthen laws against crime).

Once in office, President Bush continued to take positions and actions that were not supportive of African American interests. This was perhaps most visibly (and importantly) demonstrated when the president nominated Judge Clarence Thomas to replace the retiring Justice Thurgood Marshall. Although both African Americans, Marshall and Thomas represented almost polar opposites in their concept of the judicial role and their posture with respect to civil rights and civil liberties. At bottom, Marshall and Thomas differed in their very definition of the African American predicament and the responsibility of government regarding it. After raucous and suspenseful hearings involving serious charges of sexual harassment leveled against him by black law professor Anita Hill, Judge Thomas eventually won confirmation despite major concern about his judicial competence and strong, almost unanimous opposition from established black political leadership, though (at least during the hearings) not from African American public opinion at large (Mansbridge and Tate 1992). This initial support from the black community may well reflect that the temporary strength of the symbolic ties of race and color was able to overcome, at least initially, the more enduring effects of policy and substance now being reflected in certain court decisions. Indeed, what makes Justice Thomas's appointment to the Court especially crucial even at this relatively early point in his career is that the initial thrusts of certain of his decisions (e.g., with respect to voting rights) could pose threats to basic legal gains fashioned in the 1950s and 1960s.

The 1992 elections afford still another vantage point from which to view the African American experience with electoral politics. Since the mid-1980s, Governor Clinton and his Democratic Leadership Conference were committed to the assumption that to recapture the White House, the Democratic party had to recapture Reagan Democrats. This had to be done by developing a more moderate-centrist party image that would appeal to the middle class, rather than to the poor and lower classes, where blacks and minorities are found in disproportionate numbers. This middle-class focus fits well with the general "mainstream" tendencies of American politics, where compromise and consensus, not conflict and division, are considered the hallmark of good politics.

Clinton's developing candidacy was clearly enhanced by the overriding concern expressed by Dem-

ocrats generally, (including many black leaders) that a united party was essential to win the election and recapture the White House. This concern affected the campaign and election in significant ways. It probably contributed, for example, to the eventual decision of Jesse Jackson not to enter the contest for the Democratic presidential nomination. And Jackson's decision was important to Clinton. Jackson's appeal had been shown in the 1984 and 1988 campaigns, and it was clear that Jackson posed a real threat to Clinton. Very directly, Jackson's decision helped to subordinate, if not suppress, race as an issue, making it easier for Clinton to hold on to the black vote without jeopardizing the moderate-centrist image believed necessary to recapture Reagan Democrats and appeal to whites generally.

Of course, another significant development favoring Clinton was the rapidly worsening economic condition that caused the high, Gulf War-based popularity ratings of President Bush to plummet, allowing the politics of the economy to further obscure and engulf the politics of race. Thus, Clinton could more readily address many matters in "deracialized" terms, focusing on issues (e.g., unemployment, education, health care) that have disproportionately affected blacks and minorities but that could now be addressed toward the increasingly dire plight of the predominantly white middle class. Clinton also distanced himself from certain leaders (e.g., Jesse Jackson and Senator Edward Kennedy) and took more conservative positions on issues (welfare, crime) so as to avoid too close an identification with "racial" or "liberal" concerns.

In general, Clinton was able to forge a winning coalition relatively free of commitments to specific interests or groups, such as labor and minorities. African Americans, for example, overwhelmingly supported Clinton without exacting any obvious or apparent commitments in exchange for their vote. As with Democrats generally, black electoral strategy and politics in the 1992 presidential election were influenced by the overriding objective of winning the election. They were also influenced by the fact that blacks lacked a meaningful alternative (as has been the case traditionally) and simply had nowhere else to go.

This is all there was to black electoral strategy in 1992, and it remains too early to determine its efficacy. On the one hand, some of Clinton's major appointments demonstrate his repeated commitment to a government that reflects the "diversity" that exists in America. On the other hand, his widely publicized actions in other matters (e.g., the withdrawal of the Lani Guinier nomination and his positions on Haitian refugee policy and such issues as welfare, crime, and gays in the military) reflect the determination of Clinton as president to hold on to his centrist image.

When seen in total perspective, an overview of the African American experience since 1950 suggests that we might need to revisit the theory of American pluralist politics (Hero 1992; Pinderhughes 1987).

Pluralist politics illuminates clearly, for example, that there are always winners and losers in elections and that some interests are furthered and others retarded depending on who wins. But the interdependent and incremental nature of our system usually mitigates the loss of the losers. These matters are considered by Madison in the *Federalist* 10 and 51. Moreover, the degree to which losers are able to protect previous gains is usually related to their size and electoral involvement. But this does not appear to be so with racial minorities, at least not with African Americans. The relationship to the system seems to be the reverse. After the threshold surge in the 1960s, as black electoral involvement became stronger, the policies that would have favored them (at least at the national level) became weaker, having been quite steadily—even systematically—eroded, with the prospects for improvement becoming dimmer (A. Morris 1991).

SOME FINDINGS AND OBSERVATIONS

The phenomena just described may not be unique to African Americans, but it is not the typical pattern in American politics, either. And the consequences seem to be more profound and rather permanent. Let us take a closer look at how the African American experience since 1950 may shed some light on this and other aspects of our politics and the political system.

First, the African American experience suggests convincingly that the overall nature and functioning of our politics continue to advantage certain interests and disadvantage others. For example, those interests strongly represented in our original constitution making (i.e., propertied white males) have been clearly protected and advantaged by the nature and structure of the political system they developed. Conversely, those interests not initially represented (e.g., African Americans and women) have been—and remain—clearly disadvantaged by the nature and operation of that system. But the African American experience also demonstrates that the character of certain principles as embodied in the Constitution, particularly as strengthened by subsequent amendments (e.g., the Fourteenth), are important on their own terms and can be used effectively by excluded or overlooked interests to overcome some of their continuing disadvantages.

The African American experience strongly reinforces the long-held observation that the limits and capacity of particular political strategies and institutions are determined essentially by their interaction with, and interdependence upon, one another. Especially for minorities, however, the choice of strategy cannot be taken as an end in itself. It must be taken in larger context, toward the view of making more enduring changes in the “rules of the game,” the process, and the system. Electoral strategies resulting

in electing mayors and controlling city councils, for example, mean little unless they work toward bringing about such enduring changes.

Within this context, however, there remains the necessity for groups to forge coalitions and coordinate strategies in order to safeguard and promote their interests. In many ways, this is reflected by the African American experience in the 1950s and 1960s, when a combination of strategies (litigation, direct action, and electoral politics) stimulated and steered major change in our law and public policy. This very example, however, reflects the basic difficulty of bringing about major change in behalf of aspiring interests. Seldom can such forces be brought and held together sufficiently long to bring about fundamental policy change. This could prove even more difficult given the changing nature of the issues involved and the resultant problems that make coalition formation in today’s political climate quite different from that during the 1950s and 1960s. Though African Americans, like many others, are amenable to coalition politics, “the problem has been that for the most part they have had few important takers, especially when the agenda concerned economic issues,” as it does today (Hamilton 1991). When viewed in this light, Madison’s prescriptions, which work so well in many instances to prevent factional mischief, seem not to work so well when it comes to protecting racial minorities, at least in the case of African Americans.

The difficulty of effecting major policy change is exacerbated by the fact that strong supports are needed not only to enact such changes but to implement them effectively, especially when they are designed to overcome the effects of deeply ingrained practices and traditions that continue to advantage the very interests that traditionally and currently remain dominant in our politics and society.

The two broad coalitions that give life and vitality to the governing system—the major political parties—have been unable or unwilling, for the most part, to deal forthrightly with matters of race. Race continues to be a volatile issue in American politics, as evidenced by both public opinion polls and racially inspired outbreaks of violence (Levin and McDevitt 1993). This has resulted in a situation that one political scientist described as follows: “We have become an extremely multi-racial society during a period of political domination by [a] virtually all-white national party, the Republicans, and in a time when political defeat and fear of defeat has rendered the [other] national party (the Democrats) that receives the great bulk of the minority vote, incapable of discussing and acting on problems of racial and ethnic discrimination and inequality” (Orfield 1993, 6–7).

Moreover, we must also recognize that in this day of “privatization,” African Americans (and other historically underrepresented groups, e.g., Latinos and women) continue to be grossly underrepresented not only in the public sector but in key areas of the private sector, as well. And it remains the case that outcomes in both sectors favor those whose interests

are sustained and advanced by strong and assertive representation. This is especially critical given the intimate relation of our politics and political system to the private sector. This public-private nexus allows us to discern more clearly the nature and influence of private decision making (especially the role of business) in fashioning public policy (Lindblom and Woodhouse, 1993, chap. 8; Nelson 1990, 192-94).

But representation may not be enough and at times might even thwart the possibility of basic change for those who need it most: "In taking up electoral politics, blacks and their leaders have implicitly embraced strategies that preclude the possibility of radical goals" (Tate 1993, 170). At least, this author continues, the elections of black city mayors and city councils "have not produced the radical and profound changes envisioned by the civil rights activists of the 1960s" (ibid.). It must be remembered that these changes, however, were envisioned in large measure on moral-jurisprudential and *constitutional* grounds, not on compromise-practical grounds of electoral politics. To be sure, the shift of blacks from protests to politics and the nature of electoral politics itself minimize attention to these constitutional and moral-jurisprudential considerations and, rather, enhance decisions being reached in terms of "politics as usual," that is, on practical political grounds.

Another observation that flows from the African American experience is the meaning and importance of symbols and symbolism and their relation to the reality and substance of politics (Edelman 1964). Important public acts have both substantive and symbolic dimensions. The symbolism of political practice may be used, however, to promote diverse political interests ranging from incentives for additional accomplishments all the way to what is needed to maintain system stability and satisfaction.

The symbolic elements of the civil rights act of 1964 and 1965 could well be used either to highlight or to obscure the substantive benefits that might reasonably be expected to flow from such important developments. For example, the increase in black voter registration and in the number of black elected officials clearly had substantive importance in certain areas. On the other hand, repeated focus on such numbers might well exaggerate the degree of actual substantive change. Moreover, even with such dramatic increases, black elected officials still constitute less than 2% of all elected officials in the country (Williams 1990, 45).

Even more basic, the focus on numbers encourages us to avoid questions relating to the efficacy of the vote and electoral politics as agents of social change: "The daunting task facing black political actors," as put in a recent volume [is that of] "trying to consolidate their newly achieved positions in the system while at the same time trying to change the system itself." (Barker and Jones 1994, 321; see also Keech 1968, chap. 6).

Martin Luther King's comments with respect to "tokenism" are relevant here and help to put our

discussion of symbolism, especially its inhibiting effects, in sharper perspective. Said King:

Those who argue in favor of tokenism point out that we must begin somewhere; that it is unwise to spurn any breakthrough, no matter how limited. This position has a certain validity, and the Negro freedom movement has more often than not attained broad victories which had small beginnings. There is a critical distinction, however, between a modest start and tokenism. The tokenism Negroes condemn is recognizable because it is an end in itself. Its purpose is not to begin a process, but instead to end the process of protest and pressure. It is a hypocritical gesture, not a constructive first step. (King 1963, 20-21)

Two somewhat interrelated strategies—crossover appeal and deracialization—have been offered as ways to overcome some of the continuing dilemmas of electoral politics as political strategy. Crossover appeal focuses primarily on the ability of black candidates to attract white voters. It also, of course, relates to the ability of white candidates to attract black voters. But research suggests that crossover appeal poses severe obstacles, especially for black candidates. Black voters harbor far less racial prejudice and stereotypes and are far more likely to vote for white officials than white voters are likely to vote for black candidates (Williams 1990, 51). Moreover, the higher the office, the more likely it is that whites will not vote for a black candidate.

Deracialization, however, cuts both ways. Black leaders, for example, were willing to follow then governor Clinton in a deracialized campaign because it appeared that taking care of issues affecting the white middle class (health care, jobs, and education) would also cover major issues that have for so long disproportionately hurt blacks. Indeed, given the circumstances, by putting issues in race-neutral terms and appealing to universal values (health care for everybody), a candidate can couch his programs in race-neutral rather than race-specific terms and thus enhance the chances of victory.

But this central strategic purpose of deracialization to circumvent or otherwise minimize controversy over the emotionally divisive issue of race points to one of its greatest problems. To continue to treat lightly or brush aside such problems, especially in the face of serious and continuing opportunities to focus on them, defies reality as well as democracy. The 1992 Los Angeles riots offer a prime example of such a missed opportunity. Another prime example is how ostensibly race-neutral policies (urban budget cuts) can and do have devastating race-specific effects (unemployment). We cannot overlook how less-dramatic—even daily—occurrences reflect the extent to which race continues to inhibit African American progress. To continue to overlook and squander such opportunities tends to raise questions about our professed commitment as a nation to democracy. Indeed, it is difficult to fathom how the broader public interest is served by policies that limit the opportunities of such a substantial segment of the American population (Fraga and Anhalt 1993). Our

sense of historical reality should remind us, however, that neither the state nor force of arms can quiet or circumvent such matters forever.

In addition, the African American experience underscores once again the pervasive influence and impact of electoral politics throughout the governmental system, including the courts. A systemic perspective allows us to see how Court decisions on major policy issues (even those articulating the meaning and scope of basic constitutional-democratic values) encounter difficulty—even reversal—when they venture too far from the views of electoral majorities.

The African American experience also shows that when combined with judicial support, movement politics can sometimes go a long way toward influencing elective institutions to take important decisive action. But that experience also shows how electoral politics can, over a relatively short time span, radically shift the balance of forces in regard to such issues. Since 1968, electoral politics, influenced by a number of factors, has brought about a resurgence of “normal” politics, replacing the essentially constitutional—legal framework in which race issues had been fought since about 1950. This shift in contextual emphasis has culminated in clear erosion—even outright reversal—of major policy thrusts emanating largely from nonelective institutions, namely, the courts. These policy thrusts initially supported minority interests, but over time and in the course of their implementation, they are now being interpreted as adverse to majority interests. And that changed interpretation has been spurred mainly through electoral politics. This suggests strongly that notwithstanding its limits as political strategy, electoral politics must attract the fullest possible participation from African Americans if only to prevent the erosion of policy gains achieved elsewhere.

When viewed in systemic perspective, the African American experience points up the importance to minority groups of pursuing multiple strategies to achieve their objectives. The nature of courts, for example, gives credence and weight to the use of litigation as political strategy. Litigation permits raising and deciding fundamental issues in forums generally free from vagaries of majoritarian politics and popular opinion. The strategic use of litigation calls on leadership elites in both the public and private sectors, at least to consider the basic moral and jurisprudential dimensions of the issues involved. It lays bare the gaps between professed constitutional-democratic values and principles and everyday experience and practice. Notwithstanding their limits, the African American experience indicates that favorable court decisions can prove important supports in interest conflict and policy combat. That experience suggests, for example, that Court decisions may prove formidable barriers against popular assaults on minority rights. Thus, though the Supreme Court is not a panacea, neither is it a “hollow hope” (Barker 1967; Rosenberg 1991).

Similarly, the African American experience suggests the importance of direct-action politics, allow-

ing mass publics to articulate and petition for redress of grievances relatively free from the risks of misrepresentation by others. But as I have suggested, movement strategies encounter difficulties, their potency and influence being swiftly reduced once the original broad goals have been achieved. Still further, interest-group bargaining to form coalitions of support in Congress and to bring pressure to bear in executive branch actions is as necessary to minority group success as it is to any other interest in American politics. In this regard, the efforts of the NAACP in Washington and of the Congressional Black Caucus exemplify the continuing importance of these “normal” political strategies in interest conflict. Overall, though varying in their efficacy, not one of these strategies is sufficient or can be ignored. To do so is to overlook the breadth and complexity of the systemic context in which they all operate.

CONTINUING HOPE AND EMPIRICAL REALITY

In my introductory remarks, I suggested that this essay would project a continuing hope tempered by empirical reality. The African American experience does suggest some rays of hope and empirical reality implores us to find them. In my judgment, the constitutional structures and limits outlined by the framers were designed to enhance, not impede, the realization of democratic politics and government. Our discussion of the African American experience offers evidence illustrative of this thesis. That experience, since 1950, demonstrates that fundamental policy change in pursuit of basic democratic goals and values can be achieved within such structures and within what otherwise appear to be intractable limits, depending largely on the nature of the dynamics and circumstances involved (Baumgartner and Jones 1993).

That fundamental policy change was characterized by a confluence of factors including: (1) the perseverance of the aggrieved interests engineered by an extraordinary and resourceful leadership; (2) judicial articulation and support of the fundamental constitutional, moral, and jurisprudential nature of the minority rights at issue; (3) the massive scope of movement-protest that dramatized the serious gaps remaining between professed constitutional-democratic ideals and the realities of everyday life of African Americans; and (4) the unusually strong (though relatively brief) commitment of presidential leadership in support of the cause involved.

When viewed in combination, these factors suggest that the president and the congress took meaningful actions in civil rights “only in response to serious pressure or outright crisis,” for “only crisis can normally greatly speed the incremental process” of major policy change (Rodgers and Bullock 1972, 211–13).

This is the major reason why I think that the leadership dimension illuminated in the African American experience should be underscored. No

matter what crisis or stimulus is involved, that experience demonstrates clearly the need not only for courage and commitment but for skilled leadership in both public and private sectors. That leadership becomes even more crucial in that today issues of race and color are much more complex than they were in the 1950s and 1960s and have become fused with issues such as inadequate education, housing, and health care, which may now affect many more white Americans than what had or seems to have been the case. For some, this complexity leads to inaction and indifference. For others, it suggests that the problems are too intractable for real solution. To yet others, it may suggest that there is no racial problem. Still others may be convinced that our country has made more progress in this regard than other nations and that we should thus take heart from such accomplishments and strive to do more.

Whatever position one takes, however, and despite the complexities involved, glaring inequities and disparities remain between persons along racial and ethnic lines. In the face of such stark empirical reality, it becomes increasingly difficult to overlook continuing institutional and structural barriers that perpetuate the vestiges of racism. As a result, it is also becoming increasingly clear, for example, that more than litigation, movements, and electoral-politics are needed to achieve equality and justice for all persons.

At bottom, the African American experience suggests that achieving equality and justice for all persons takes extraordinary leadership and people of good will in both the public and private sectors, who are committed to see the constitutional-democratic system work. In discussing the work of the constitutional convention, one student of American politics put the matter in sharp perspective: "Historic opportunity always exists. The difference between then and now is that the founders appreciated their situation, and today's political leaders rarely are able or willing to do so" (Lowi 1976, 78).

But some are. Though himself initially reluctant on political grounds to support civil rights legislation, in the end, it was President John F. Kennedy who perhaps best captured the essence of the attitude that is still needed if we are to deal with the vestiges of race and racism today. On 11 June 1963, in the immediate aftermath of wanton acts of violence perpetrated against blacks and their allies, Kennedy bluntly told the nation:

Law alone cannot make [persons] see right. We are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and opportunities, whether we are going to treat our fellow Americans as we want to be treated. . . . We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is time to act in the Congress, in your State and local legislative body and, above all, in all of our daily lives. . . . Those who do nothing are inviting shame as well as

violence. Those who act boldly are recognizing right as well as reality. (1964, 468-71)

These words remain relevant today. Their continued relevance is evidenced by the dire need to blunt the proliferation of hate groups and hate crimes spurred by racial, ethnic, and religious bias and prejudice. (Levin and McDevitt 1993; Southern Poverty Law Center 1992). Their continued relevance is evidenced by the dire need to overcome such attitudes as those reflected by our relative indifference to the outbreak of racial violence in Los Angeles in 1992. The words remain especially relevant to overcome a political climate whereby both major parties shy away from close identification or ties with civil rights and minority interests, fostering a political mainstream that provides just enough substantive gains to give symbolic accord and effect to democratic norms and values but denies giving reality to major substantive policy change.

The currency of the challenge remains especially salient in view of the imperatives of our rapidly changing demographics and by the obvious continuing quest of peoples around the world for democratic government and society. The challenge remains current to each of us in our respective areas of competence and authority. Whether in government or the private sector or ensconced within the hallowed halls of the academy, the message embodied in Kennedy's words indicates the continuous need for extraordinary leadership to make an extraordinary form of government—democracy—work.

Finally, I have decided that my remarks might come into sharper focus by sharing some personal reflections on what it has been like for me as a black person in our profession and society generally.⁷ This is a subject about which I have been asked repeatedly and about which I think the time has come to share my views.

First of all, I fully recognize that many of us might wish to forget about the matter of race or might wish to believe that our current public policy now makes for a truly free and open society where any individual, irrespective of such factors as race, ethnicity, or gender, has a fair and equal opportunity to reach full potential, dependent solely on individual talents and initiative. But so to believe is simply to ignore the objective reality that African Americans, for example, continue to be disadvantaged throughout our socioeconomic system. I am afraid that this dire reality has become so commonplace—so much a part of the everyday landscape—that it has dulled our sense of justice and outrage, leading us to become too accepting of the unacceptable and too tolerant of the intolerable. Unfortunately, such attitudes cut across the entire socioeconomic spectrum, and my many years of participant observation in both faculty and administrative roles suggest that these attitudes are also present in the academy.

My overall basic concern is how some of us, as professors, seem quite willing, for example, smugly

to criticize the failures of politicians in civil rights and related matters without recognizing (or perhaps conveniently ignoring) the fact that we, too, are part of the system and can and do perform important roles in this regard. Given the freedom and independence accorded through tenure, we as scholars have a weighty responsibility to pursue the truth in our teaching and research wherever that might lead, irrespective of our own personal or ideological inclinations. Above all, the scholar must be willing critically to analyze even the most volatile problems (such as those involving race) that others might shun or approach reluctantly. Indeed, professors and scholars, particularly those in so-called elite institutions, speak from vantage points that inform and influence, as well as lend authority and legitimacy to attitudes and actions of both elites and masses (Steinfels 1979, 6). To disagree about the problems of race is one thing but to ignore them is unconscionable.

We must begin by looking at ourselves. I trust that we are able and willing to see, for example, both the scholarly and societal value in the *good faith* recruitment, training, and retention of minority graduate and undergraduate students. Similarly, I am concerned about the dire need for more blacks and minorities to become university and college professors—and top administrators as well. The strains on the few of us who are presently in the academy are uncommonly heavy and are in many ways obscured from the view of many of our colleagues. Sometimes, for example, I think I should become an employment agency and charge a fee for the many inquiries I receive asking if I know where they can find “one,” or “might you be interested yourself.” But at the same time, I am pleased that at least someone is asking, no matter why. And numerous are the requests to serve on committees, to grant media interviews, and to speak on campus and to community and outside groups.

It is not so easy for me to decline such invitations, as some of us—and I include myself—are wont to do. Indeed, I have come to realize that despite my personal feelings, the stakes involved are much too high for me, as an African American, routinely to decline such invitations. I have seen and experienced firsthand, for example, that the presence or absence of extraordinary leadership, both black and white, in teaching, research, and administrative situations can at times make for material differences in outcomes, as for example, in the recruitment and retention of minority students and minority faculty.

Thus, a central concern is that we as a profession, may be overlooking potential and well-qualified faculty because they are not exactly “our kind” in terms of the nature of their research and methodological approaches or in terms of the journals in which they have published or are likely to publish. To make judgments on such surface grounds is to perpetuate the kind of stereotypical behavior that has historically disadvantaged significant segments of our population. Even more directly, continued adherence to such attitudes and actions tend to blunt and jeopardize

the kind of free, open, and diverse environment that first-class universities and colleges need to survive and prosper.

Despite such concerns and pressures, however, I have been able to achieve the kind of balance that has allowed me to keep afloat. I have done so by becoming highly selective in what I take on and learning how to harness my energy and resources, with special attention to undertaking projects that might make a difference on things that matter most to me.

That I personally have been able to survive and reach some level of achievement, however, should not obscure the continuing demeaning and inhuman indignities that many African Americans are still forced to endure solely because of race and color. It is sad but true that what the late Justice Thurgood Marshall wrote in the 1978 *Bakke* case remains as relevant today as it did then. “It is unnecessary in 20th century America,” said Marshall, “to have individual Negroes demonstrate that they have been victims of racial discrimination; the racism of our society has been so pervasive that none, regardless of wealth or position, has managed to escape its impact.”⁸ Marshall’s observation remains on the mark: statistics and conceptual models may provide information and explanation, but they cannot begin to give life to the hurt that flows from personal experiences that I and many other African Americans encounter, no matter what our achievements or socioeconomic status.

Let me be very direct and personal. I continue to encounter directly—not obliquely or by implication—revolting indignities solely because of my race or color. And these incidents have occurred as late as in 1992–93 in California, not only in the 1950s or 1960s in the deep South, though I encountered them there also. (Barker 1988, 138–40; McClain and Perry 1992, 752–56). Clearly, the demeaning and insulting words used in such encounters and the messages they convey call for a remarkable level of restraint and self-control such as no human being should have to endure. More importantly though, these incidents reflect deep vestiges of a social structure that relegates African Americans to glass ceilings or to certain positions. That ceiling might have been broken a second time by my presidency of this association,⁹ for example, but neither that nor anything else had relevance for those who, in the past year or so, referred to me as a “bus driver” or those who asked my wife and me upon answering our doorbell whether we were the “caretakers” of our own home.

Despite such encounters and experiences, however, I continue to hold to the goal of a society where, as Martin Luther King eloquently put it, persons are judged by the content of their character, not the color of their skin. Thus, I have found it rewarding to operate in both predominantly black and white institutions and related professional contexts. But I can assure you that while these can prove challenging, they also hold risks. Performing this sort of bridge function can prove difficult; persons who try to serve as bridges risk the chance of falling off both ends or

being stranded and frustrated in the middle. Fortunately and with the help of many persons, I have been able thus far to weather such pitfalls, allowing me an opportunity to carry on such crucial bridge functions as I trust more of us will resolve to carry.

Overall, I continue to be fascinated and excited in my work as a professional political scientist: the last few years have been among the most productive and rewarding of my career. Those rewards and satisfaction become most meaningful, however, when they can help to transform our country and the world into a more fair and just society for all persons. Such a transformation will clearly require extraordinary leadership from our universities and colleges and from our educational system generally. This is also the sort of leadership that is needed to overcome the limits of political strategy and manifest whether the overall political-social system has the capacity and the *will* to eliminate racism and related problems so as to live up to its democratic potential.

Notes

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1. See Tocqueville 1969, esp. 340–63; Myrdal 1962. See also Jaynes and Williams 1989; Willie, Garibaldi, and Reed 1991; and related volumes produced under the auspices of Trotter Institute of the University of Massachusetts, Boston.

Of particular interest is Rogers Smith's recent essay suggesting that "[a] study of the period 1870–1920 illustrates that American political culture is better understood as the often conflictual and contradictory product of multiple political traditions, than as the expression of hegemonic liberal or democratic political traditions" (1993, 549).

2. For a succinct overall history of the African American experience before and after 1950, see Franklin and Moss 1988.

3. Taking account of much of the available literature, Frank Baumgartner and Bryan D. Jones (1993) provide a perceptive analysis and commentary on the nature and dynamics of fundamental policy change in context of the overall policy process and the political system.

4. The overall census projections, for example, show that by the year 2050, there will be 81 million Hispanics, 62 million African Americans, and 41 million Asian Americans. The overall result is that the total white population will steadily decline from 75% in 1992 to 53% in the year 2050, only slightly more than half of the American population. See United States, Bureau of the Census 1992.

5. For a discussion of the role of the government, including relevant excerpts from its brief, see the detailed narrative account of the overall nature and dynamics of the litigation culminating in *Brown v. Board of Education* (1954), found in Barker and Barker 1972, chap. 5.

6. The more exacting standard of proof announced by the Court in *Mobile v. Bolden* (1980) was overcome by Congress in its 1982 extension of the Voting Rights Act. As amended, section 2 allows the establishment of proof of a violation by showing that the electoral processes in question have a discriminatory effect or result.

7. In many ways, there are a number of similarities between my own experience and those outlined in a more systematic effort to capture the role and experiences of minority law professors. See Delgado.

8. See *Regents of the University of California v. Bakke* 1978, esp. 395–402. Justice Marshall concurs in the judgment at p. 387.

9. The late Ralph Bunche was the first African American elected president of the American Political Science Association in 1954.

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