REMAPPING DEBATE
Asking "Why" and "Why Not"

Let's not have a conversation about race

Commentary | By Craig Gurian | Civil rights, History, Race

Sept. 11, 2013 — In the Barack Obama and Bill Clinton version of the Democratic Party, the goal is to have "conversations about race." Or, at least, these two presidents have wanted to have intermittent conversations to the extent convenient. Once upon a time, those in favor of civil rights (as Obama and Clinton surely are) were more direct: they demanded action, not talk.

In 1854, Frederick Douglass, the great abolitionist and perhaps the greatest black American leader of the 19th century, said, "The time for action has come." His answer to the question "what is to be done" was this:

> [L]et a great party of freedom be organized, on whose broad banner let it be inscribed, "All compromises with slavery ended — The abolition of slavery essential to the preservation of liberty." Let the old parties go to destruction, whither they have nearly sunk the nation. Let their names be blotted out, and their memory rot; and henceforth let there be only a free party, and a slave party. The banner of God and liberty, and the bloody flag of slavery and chains shall then swing out from our respective battlements, and rally under them our respective armies…

After the Confederacy had been defeated on the battlefield, there was not a miraculous dawning of a new day, especially because President Andrew Johnson indulged the white South that had initially expected to be treated as the defeated traitorous force it was. Indeed, even after Congressional Reconstruction (or Radical Reconstruction as it is more commonly known) was implemented, early legislation was directed only against state governments hostile to freedmen.

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This left room for the Ku Klux Klan to flourish. It was only after Congress passed the Ku Klux Klan Act in 1871, targeting violations of civil rights by private individuals, *and the Grant Administration began to enforce it*, that the tide (for a time) was turned. "By 1872," Eric Foner, the leading historian of Reconstruction, writes, "the federal government's willingness to bring its legal and coercive authority to bear had broken the Klan's back and produced a dramatic decline in violence throughout the South."

The lesson that massive resistance must be met with decisive action should be easy to remember, but it has proved not to be.

More than 75 years later, Chicago hadn't learned that lesson. When it made its first attempt to desegregate its public housing in the 1950s and was faced with massive resistance, the city blinked, and desegregation was delayed.

The Kennedy Administration was a slow learner when it came to the need for decisive action, but it did learn. For example, it understood that the response to George Wallace standing in the schoolhouse door in defense of school segregation was not to have a conversation but to be ready to move him aside.

In 1963, 100 years after the Emancipation Proclamation and two months after the federal government's confrontation with Wallace, "gradualists" were still urging patience. Martin Luther King, Jr. rejected this course: "We have come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy."

That was not a demand for conversation; it was a demand that led to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These landmark pieces of legislation, like all legislation, were not self-enforcing: they were tools that had to be wielded actively and aggressively.

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Resistance to civil rights may not be as massive as it once was in some respects, but it is still alive and well. The surge of voter suppression laws that followed the Supreme Court's striking down of the "pre-clearance" requirement of the Voting Rights Act (a requirement principally applicable to Southern states) is powerful evidence of that fact.

To the Obama Administration's credit, it has not limited its response to conversation — it has utilized the provisions of the Voting Rights Act that are still standing to bring Texas to court for its new voter suppression scheme.

But the Obama Administration's instinct for surrender and half-measures (see banks, taxes on the most wealthy, and entitlement "reform") extends to civil rights, too. I know this personally.

As a result of a lawsuit I brought, Westchester County in New York was found to have repeatedly made false or fraudulent claims to the federal government in connection with more than $50 million dollars in federal funding it received over four years. Westchester represented that it was overcoming barriers to fair housing choice (like exclusionary zoning), but, in reality, it had a "hands-off" attitude towards municipalities that wanted to maintain the segregated status quo (if you want to see the extent to which Westchester, or any other place in the U.S., is characterized by residential segregation, go here, click on the map, and then zoom in or press "find").

That lawsuit resulted in a 2009 consent decree that had both *action* components and *analysis* components. The most important action component was for Westchester to take legal action against municipalities that didn't get rid of their exclusionary zoning. Guess what?

Even though Westchester's county executive has been engaged in an extravagant modern-day version of standing in the schoolhouse door — explicitly rejecting this and other requirements of lawful federal court order -- more than four years have gone by *and the federal government has yet to move the court to hold Westchester in contempt*. There is a long-running sideshow going on about *analysis* but no backbone to demand *action*.

Only two weeks after the entry of the 2009 court order, I wrote to the monitor that had been selected by the federal government and appointed by the court to oversee the implementation of the consent decree. "Appeasement," I wrote, "only emboldens resistance." That plea fell on deaf ears.

It is not difficult to figure out what needs to be done. In 2013, as in 1963, 1913, and 1863, those who seek to stymie the cause of civil rights — who speak the language of local defiance of lawful federal authority — are not moved by appeals to reason, justice, or compassion. They stoke fear and use every tool at their command. They can be given no quarter.

Let's not have a conversation about race. Hearts and minds can follow. We need comprehensive, unremitting, non-compromising civil rights law enforcement *today*. That's how you change the facts on the ground.

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