

Overview

America's civil rights legacy faces an existential threat. Confronted with unprecedented federal opposition, civil rights advocates are on the defensive. They must build a new, proactive, power-building movement, uniting activism, labor unions, the faith community, and other allies, as they did in the 1950s and 1960s. Right now that movement doesn't exist. But there are states where the pieces are waiting to be put together – New Jersey and Minnesota. And there are many other states where the process of movement-building is ready to begin. We have a plan to do it.

In New Jersey and Minnesota, ongoing and highly promising school desegregation lawsuits are functioning as tentpoles around which organizing can be conducted. In New Jersey, two former state supreme court justices – Republicans both – are arguing that segregation violates the state constitution. They will likely prevail in court. But the opportunity in the state is not just in the courts. The New Jersey legislature is also ideally positioned to pursue a transformative statewide remedy, connecting school demographics to housing opportunity. A supermajority of New Jersey legislators preside over racially diverse, progressive, and suburban districts – exactly the kinds of places that stand to benefit the most from a stabilizing, comprehensive integration effort.

In Minnesota, a desegregation lawsuit filed in 2016 has reached a critical turning point. The lawsuit is based in state constitutional provisions which say that because “[t]he stability of a republican form of government depend[s] mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools.” On July 25th, the state supreme court allowed the lawsuit to proceed, stating that it is “self-evident” that segregated schools cannot be either “general” or “uniform.” Now, if the plaintiffs can demonstrate that the state's schools are segregated – a low evidentiary burden, given the prevalence of segregation in Minneapolis and Saint Paul – the state will be required to eliminate that segregation.

In both states, these lawsuits could act as political catalysts for far-reaching civil rights efforts and movement-building. Courts and legislatures, acting by themselves, are prone to adopting integration plans that are too narrow, too politically controversial, and unstable. A coalition of labor, faith, and justice advocates, bolstered by support from local elected officials and other stakeholders with highly particular regional knowledge, could both lobby for more expansive and effective solutions, and help guide those solutions, ensuring that they directly benefit a majority of residents and are thus politically sustainable.

If successful in these two states, the same political coalition is plausible in ten other states, building a national movement with the training and capabilities to, finally, go on the offense, campaigning for civil rights priorities, regional economic sustainability, and a more integrated nation.

The Challenge

Our current president, his administration, and the U.S. Congress are collectively more hostile to civil rights law than any federal government since the Civil War. Over the past 30

years, illegal, unredressed discrimination, conservative court decisions, and reactionary agency action have erased much of the progress achieved since *Brown v. Board of Education* and the great Civil Rights Acts of the 1960s. With Justice Kennedy resigning from the Supreme Court, affirmative action, the strongest provisions of the Fair Housing Act, and the very legality of voluntary racial integration in schools and neighborhoods all face oblivion.

Civil rights advocates are staring into the abyss not because reactionary forces have proven insurmountable. Indeed, in the 1960s, a civil rights movement succeeded, despite facing a country that was far less amenable to racial integration. Instead, as the country has become more diverse, and the potential political coalition in support of desegregation has grown, the organized movement for civil rights has dwindled.

The powerful political alliance that once fused groups like the SCLC, labor unions, and the church has been replaced by fragmented interest groups and political parties leery of mobilizing across racial lines. Since 2016, progressives have openly fractured over the false choice of whether to organize along racial or economic lines. The dream of a united, multiracial progressive political coalition is not dead, but it may be on life support.

Since the death of Dr. King and the creation of Richard Nixon's Southern Strategy, the civil rights community has not engaged in the creative conflict necessary to build a muscular political coalition. Civil rights groups no longer build mass movements – they hire lawyers and policy experts. Amid a flurry of amicus filings and issue briefs, the art of accumulating votes and exercising political power is increasingly forgotten.

The Opportunity

But unexpectedly, a narrow window has opened in which the nation can reverse course. In New Jersey, there is a once-in-a-generation opportunity to build a civil rights movement rooted in multiracial organizing, uniting communities small and large, labor groups, and civic organizations.

Several favorable circumstances have briefly aligned. First, New Jersey is home to the nation's newest and most promising school desegregation lawsuit. Supported by bipartisan groups in the state, it is a pillar around which a broader organizing effort can be built.

Second, New Jersey's political leadership has tilted suddenly in a progressive direction. Democrats control all three branches of the state government, and over two-thirds of state legislators – a supermajority – represent racially diverse districts in which segregation is a day-to-day concern for constituents.

Third, New Jersey is the home base of the nation's most battle-tested, multiracial, and bipartisan network for grassroots civil rights organizing. This gives new organizing a head start, and ensures any movement can ramp up in time to take advantage of the favorable legal and legislative environment.

This proposal is seeking support for the creation and growth of a New Jersey civil rights campaign. It represents a consensus among experienced civil rights organizers, litigators, and

leaders that the state represents the nation's brightest opportunity for restoring political momentum for racial integration and justice. Although progress can come from unexpected places, there is at present no comparable confluence of auspicious factors anywhere else in the nation. Nowhere else offers a higher ceiling for advocates; nowhere else would be as persuasive a proving ground. The smart money, in short, is on New Jersey.

While this proposal focuses on the advantageous environment in New Jersey, it is not only about one state. Just as Dr. King's bus boycott didn't stay in Montgomery, and sit-ins didn't stay in Greensboro, a strong organizing campaign in New Jersey could be carried to other states, cities, and regions. When it comes to political movements, victory is contagious. Once a tactic is proven to work, advocates adopt, revise, and improve it in other places. The end goal of this proposal is a victory so resounding that it echoes across the nation.

But in order to succeed, a campaign has to begin. Otherwise, reactionary forces will win by default, and the United States will continue to slide towards demagoguery, discrimination, and darkness.

Harms of Segregation

- **Segregation destroys lives and opportunities, and undermines our politics and democracy.**
- **Segregation has torn America's education system in two, redirecting millions of students to schools in which there is little chance of success.**
- **Segregation is no longer a central city problem, but is metastasizing into American suburbs, neighborhood-by-neighborhood.**

Racial and economic segregation are defining features of American society. For centuries, government policy and private action have collaborated to keep racial groups apart – in schools, in residential neighborhoods, and at work. For many decades, in the wake of abolition, segregation was focused almost exclusively on the separation of the black and white population, most famously in the Jim Crow south. But in fact, almost everywhere in the United States was segregated. Northern states – many of which formally banned segregation in their laws and constitutions – nonetheless maintained separate schools for black children, and their dense cities were, if anything, more likely than those of the south to restrict families to segregated residential quarters.

Segregation has been maintained over the years by a vast array of mechanisms. In the area of housing, redlining, restrictive covenants, lending discrimination, private steering by realtors, and other devices have been used to keep neighborhoods homogeneous. Subsidized and affordable housing, which is disproportionately occupied by nonwhite residents, is blocked from affluent and white areas and heavily concentrated in poor and nonwhite areas. In schools, busing, optional student assignment plans, and carefully drawn attendance zones had the same impact. Today, many school interventions, such as charter schools, are conducted on a highly racialized basis that tends to reinforce segregation.

In almost all cases segregation is mutually reinforcing. A segregated neighborhood tends to produce a segregated school and a segregated workplace.

Segregation had terrible consequences for the areas it affected. Segregated communities are restricted from easy access to the best jobs, the best-performing schools, and the healthiest, safest neighborhoods. Economic opportunity in segregated areas is low and often maintained by sporadic (and endangered) government subsidy. The residents of segregated neighborhoods are sometimes treated as presumptively criminal by police, which can lead, counterintuitively, to both under- and over-policing. Perhaps most of all, the residents of segregated areas are ascribed de facto second-class citizenship in the eyes of many institutions, cutting them off from social and professional networks so long as the segregation remains.

But segregation also has terrible consequences for the regions in which it has taken hold. Racially and economically segregated areas tend to enter a spiral of decline, in which families who can leave seek greener pastures elsewhere. As these tend to be the more affluent families in the area, the average level of income in the neighborhood declines, and poverty spikes. This strains the city being segregated, which has to provide more social services with a reduced tax base. Meanwhile, working-class and nonwhite families fleeing the neighborhood tend to land in places that are also working-class and nonwhite, causing a renewed cycle of segregation there. In this fashion, racial ghettos have been metastasizing from the urban core to the suburbs for decades.

Attempts to stall this process have resulted in political strife in many regions. Small suburban communities have attempted to close their borders to spreading poverty and diversity. The most affluent have at times succeeded, creating stable islands of wealth in a sea of growing suburban poverty. This has caused political fragmentation, destructive competition between municipalities, and urban sprawl. A similar process has emerged among school districts: spreading diversity, segregation, political conflict, and fragmentation.

Benefits of Integration

- **Integration transforms lives, setting families and children on a pathway to prosperity.**
- **Regions that have successfully integrated are politically stable; integration plans receive widespread support, including institutional support from city governments and the business community.**
- **Integration creates economic and demographic stability, slowing or halting the grinding pressures of poverty concentration and demographic transition.**

But not everywhere has suffered. As America has become more racially diverse, and as the enforcement of civil rights law has helped open many communities to that diversity, a growing cohort of deeply integrated communities has emerged. Contrary to expectations, residential integration is most often found in working-class and middle-class cities. In addition, millions of schoolchildren now attended integrated schools that would have been unimaginable before the civil rights movement.

These places have allowed researchers and policymakers to uncover the many benefits of maintaining a stably integrated society. Integrated suburbs are the nation's fastest growing set of urbanized communities, with a large, sustainable tax base and job growth. They typically contain a moderate and manageable amount of poverty and are closely politically contested. The best available research shows that integrated communities produce significantly improved lifetime economic outcomes compared to segregated communities, particularly among young children. They also produce better health outcomes, better education achievement, and greater feelings of safety and security among residents. Moreover, these benefits cross generations.

Likewise, integrated schools result in better academic achievement, greater college attendance and higher college graduation rates, a wider range of adult career options, fewer contacts with the criminal justice system, and reduced formation of racial stereotypes. Many of these benefits are not restricted to minority children, but instead accrue for children of all races.

But perhaps the most far-reaching benefit of integration is how it transforms entire communities. Regional integration programs – for instance, metropolitan-wide school desegregation plans – change the process of neighborhood change and transition. In most of America's regions, neighborhoods follow a familiar and predictable trajectory: segregation moves outwards from the center, accompanied by increasing poverty, causing population decline, sprawl, disinvestment, and tax base decline. But research shows that cities and neighborhoods in areas with metropolitan integration plans are much more likely to resist this path of decline. Integration short-circuits segregative spiral, because white and affluent families are less likely to seek suburban enclaves when those enclaves are themselves integrated.

In communities that have successfully nurtured racial diversity, residents don't just accept integration, they embrace and defend it. For instance, the Louisville region is home to the nation's most successful school integration program, which uses high-quality central city magnet schools to draw white suburbanites to the core of the metro. In Louisville, neighborhoods are stable, the tax base is comparatively high, and schools perform well. When conservatives in the Kentucky state legislature have moved to eliminate the Louisville integration program, the city's residents resisted – including affluent white residents. A major force sustaining that program is the city's business community, which knows that harmonious race relations and a workforce comfortable with diversity are major selling points for the city.

What Hasn't Worked

- **“Place-based” strategies have failed, as segregation destroys neighborhoods faster than they can be rebuilt.**
- **Non-regional approaches fail, because they tend to accelerate white flight and cause political conflict between white and nonwhite areas.**
- **The collapse of moderate conservative support for civil rights, and the growth of reactionary white opposition to civil rights, can be directly traced to these failures.**

Successful integration, despite its many merits, is difficult. Many strategies to create integration – or to obtain its benefits, while leaving basic societal divides in place – have failed or seen only moderate improvements.

One genre of policy intervention is often referred to as “place-based strategies” – the idea that negative trends can be reversed by directing resources to poor areas, schools, or individuals, without attacking the broad, society-wide patterns of exclusion and segregation that remain. Well-known place-based strategies include neighborhood revitalization, charter schools and other reform efforts intended to produce greater academic achievement in segregated schools, and service-based neighborhood support strategies designed to concentrate resources for poor families in impoverished areas. Such approaches tend to be politically popular, because they do not visibly disrupt the nation’s divided living patterns. But they provide, at best, palliative care for suffering neighborhoods. Subsidized housing never becomes viable and must be rebuilt; charters schools close after several years and are reopened, or else replace closing traditional schools; highly-concentrated social services offer little to middle-class individuals and accelerate neighborhood economic decline. Because segregation tends to drain wealth and resources out of a neighborhood, place-based strategies that do not facilitate integration are typically forced to engage in an endless restorative project, like trying to refill a leaking bucket without fixing the leak.

A second pitfall is the adoption of geographically narrow remedies. Although regional residential and school integration has a stabilizing effect, strategies that focus on a small geographic area are more likely to fail. When affluent families or individuals can escape a racial integration by moving only a short distance away, white flight tends to result.

Examples of this dynamic in action are multitudinous. In the 1970s, in its infamous *Milliken v. Bradley* decision, the Supreme Court restricted judicial segregation remedies to school districts had been shown to have engaged in intentional segregation, effectively excluding most suburbs from desegregation orders. The effect – largely intended by the Nixon-appointed Supreme Court justices who decided *Milliken* – was to sabotage school integration across much of the nation. As district judges tried to oversee strict integration plans in diverse central cities, white families simply left for neighboring municipalities where those plans had no effect. In border-state southern school districts, where judicial orders typically affected a wider area, integration was most successful. In highly fragmented northern regions like Detroit, white families piled into the suburbs and integration largely failed.

A Dangerous Moment

- **This is a moment of extraordinary danger for both civil rights law and our democracy.**
- **White resistance to growing racial diversity, though rooted in a minority of voters, is driving our nation down a reactionary political path.**
- **The reactionary coalition has adopted increasing anti-democratic and anti-majoritarian tactics to consolidate power as pressure for civil rights progress grows.**

- **If reactionary political forces can finalize control of a gerrymandered legislature, the presidency, and the Supreme Court, there will be no democratic pathway towards equal rights or a more perfect union.**
- **The legacies of the civil rights movement, the Great Society, and the New Deal have never faced a more profound threat.**

Despite the clear benefits of integration and incredible, historic costs of segregation, the nation is moving in the wrong direction. The federal political environment has become increasingly hostile to a pro-integration, regional, and civil-rights oriented agenda. First and foremost, the Trump administration has taken many strong step to unwind civil rights progress. This includes initiating the repeal and reversal of Obama-era housing rules, such as HUD’s celebrated Affirmatively Furthering Fair Housing Rule and Disparate Impact Rule. The current administration has also stepped back civil rights enforcement, relied on political appointees hostile to racial integration, and repealed legal guidance on topics like school integration.

Other branches of government are little better. The Republican-led U.S. Congress has shown little interest in advancing any sort of legislation likely to create racial or economic justice. Although the Supreme Court has tilted conservative for years, Justice Anthony Kennedy was committed to preserving core civil rights legal principles, such as the compelling government interest in school integration. Justice Kennedy also confirmed the existence of a “disparate impact” standard in the Fair Housing Act. With Kennedy’s looming retirement, these principles are endangered, and it is plausible that many critical civil rights remedies, like voluntary school integration programs, race-based affirmative action, or the Fair Housing Act’s strongest provisions, could become illegal.

A number of states have also seen regressive changes. State legislatures, largely in the hands of right after subsequent wave elections in 2010 and 2014, have acted to minimize the political power of diverse localities. This has been accomplished through a combination of racial and partisan gerrymandering, state level preemption laws, and other measures to block the access of progressive constituencies – particularly urban constituencies – to the statehouse.

Animating these changes, and particularly far-right attempts to install antimajoritarian political mechanisms, is a backlash to previous civil rights successes. After a successful civil rights movement and the passage of the Fair Housing Act, diversity has become the norm for American communities. With diversifying suburbs and schools, and as white Americans become increasingly exposed to nonwhite Americans, reactionary and segregationist political forces have seen their direct electoral strength wane. In response, they have redoubled efforts to lock in place America’s longstanding racial caste system, and make it impervious to electoral and legal considerations.

The worst-case scenario for America has become dark indeed. Continued far-right dominance of all levels and branches of government could beget even greater far-right political entrenchment, as gerrymandering and other forms of vote dilution and suppression are extended in perpetuity. As the suburbs transition racially, accelerating segregation could remake these communities in the image of the nation’s poorest racial ghettos. Ghettoization is the prelude and cause of

oppression, and historic forms of oppression could reassert themselves in these places. Schools could become almost completely segregated once again, returning to the pre-1954 norm. The racialized society that defined nearly all of America since before the Civil War could return – albeit in a modern incarnation in which the color line not only divides white from black, but divides, separates, and confines Hispanic, Asian, and immigrant groups.

The costs would be profound, and not just for the groups who found themselves at the bottom of a racial caste system. Segregated schools create segregated neighborhoods. Segregated neighborhoods decline economically, ripping apart the urban fabric and causing sprawl. Sprawl shifts middle-class workers out to the far reaches of metropolitan areas, requiring massive and unsustainable infrastructure investment to keep a region functioning. The result is fiscal and economic suffering, environmental degradation, and the gradual death of the great American cities. In these empty and fractured cities, hundreds of millions of people, who could contribute to the most prosperous, diverse, and multiracial democracy the world has ever seen, could instead be confined to economic despair, educational oblivion, and political irrelevance.

America is nearing the precipice where many of these changes will have no ordinary democratic remedy. A diverse and progressive majority cannot vote for progress if their votes don't count. Laws can't protect minority groups if they can be repealed or overturned in court. Courts offer little solace if the judges are selected on the basis of their willingness to cater to far-right political whims.

Already, shifting norms and practices, starting at the very top of the nation's political system, have given us glimpses of this dark future. Open racial antipathy towards immigrants is increasingly normalized; congresspeople and the president himself express barely-disguised concerns about a nation transformed by demographic shift. A notable number of recent federal judicial appointments have refused to endorse the fundamental holding of *Brown v. Board of Education*. Two years ago, the idea that America could soon descend into a far-right apartheid state seemed overheated and distant. Today, as losses pile up, radical and regressive changes seem terrifyingly plausible. Any proponent of an open and integrated society who isn't a little bit scared probably isn't paying attention.

If a tipping point is going to come, it has to come soon.

Why New Jersey

- **All branches of New Jersey government are currently controlled by civil rights supporters.**
- **Diverse legislative districts hold a supermajority in the state legislature.**
- **New Jersey is home to the nation's most promising school desegregation lawsuit, which has a high chance of success due to favorable judicial environment and strong state constitutional civil rights protections.**
- **The state has the nation's strongest housing integration requirements.**

- **New Jersey is the center of the nation’s most successful and battle-tested grassroots advocacy network for racial integration and economic justice.**

Why is New Jersey the place to begin? New Jersey has three favorable political features:

1. All three branches of New Jersey’s government are controlled by civil rights supporters. A progressive majority sits on the state supreme court, both houses of the state legislature are controlled by the Democratic Party, and the governor’s mansion is held by a recently elected Democrat. That new governor, Phil Murphy, has been a committed proponent of housing and school integration in the past.

2. The majority of New Jersey’s population, and the majority of its elected representatives, come from diverse, working-class, and integrated suburban communities. As a consequence, these voters and representatives have an immediate self-interest in working to preserve the integration and diversity in their communities, preventing economic decline and rapid demographic transition, and staving off disinvestment and segregation. The only way to do so is strong civil rights action.

At present, 27 of the 40 state senators in New Jersey – 68 percent – represent districts that are at least 25 percent nonwhite. Of those, 24 are Democrats. In addition, 51 of 80 state assembly members – 66 percent – represent similarly diverse districts. Of those, 49 are Democrats. In other words, there is a large political coalition that stands to benefit from a large-scale effort to stabilize school and neighborhood integration, preserve diversity, and transfer resources to integrated areas. That coalition is potentially bipartisan, but even the Democratic portion of it holds a legislative supermajority.

Following are three maps that illustrate this dynamic. The first shows predominantly white, diverse, and predominantly nonwhite places in New Jersey. As can be seen, diverse and predominantly nonwhite places – those most likely to benefit from segregation remedies – are concentrated in a band that zig-zags across the center of the state. The second and third maps are of the state assembly and state senate districts, showing party membership of each legislator and the location of leadership. As the map shows, a majority of legislators, a large majority of Democrats, and a number of key legislative leaders are located in diverse or predominantly nonwhite districts.

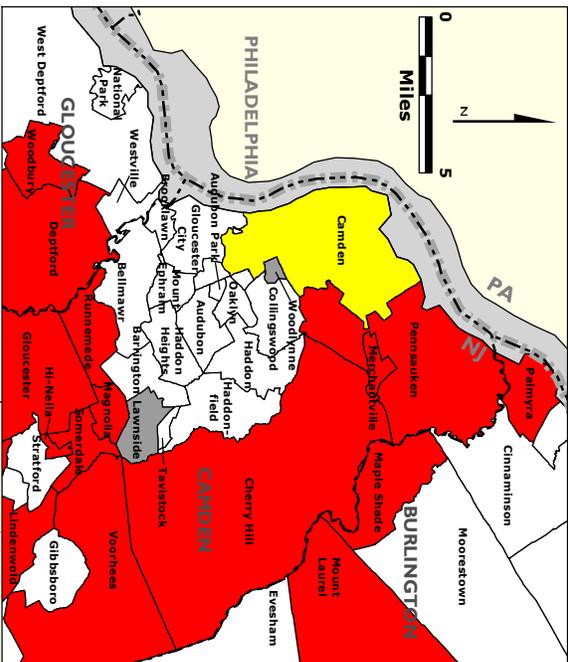
3. New Jersey’s demographics and living patterns closely reflect the rest of the nation. Its diverse population is a microcosm of America as a whole, and its high degree of residential and school segregation reflect the problems faced by communities nationwide. Moreover, the majority of the state’s population, like a majority of the national population, is suburban.

New Jersey also possesses at least three unique attributes that make it a particularly appealing site for a renewed civil rights campaign in the immediate future:

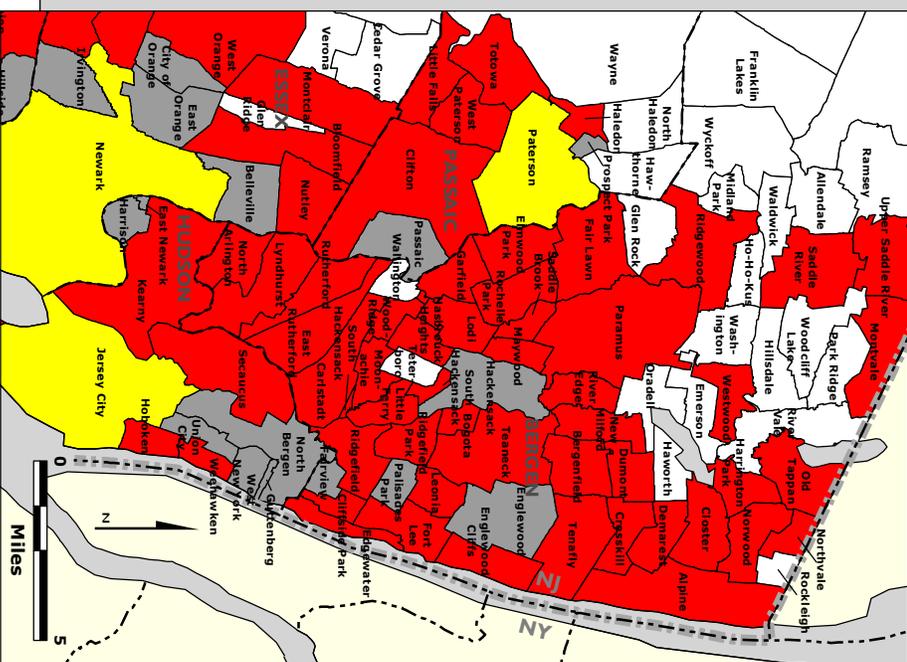
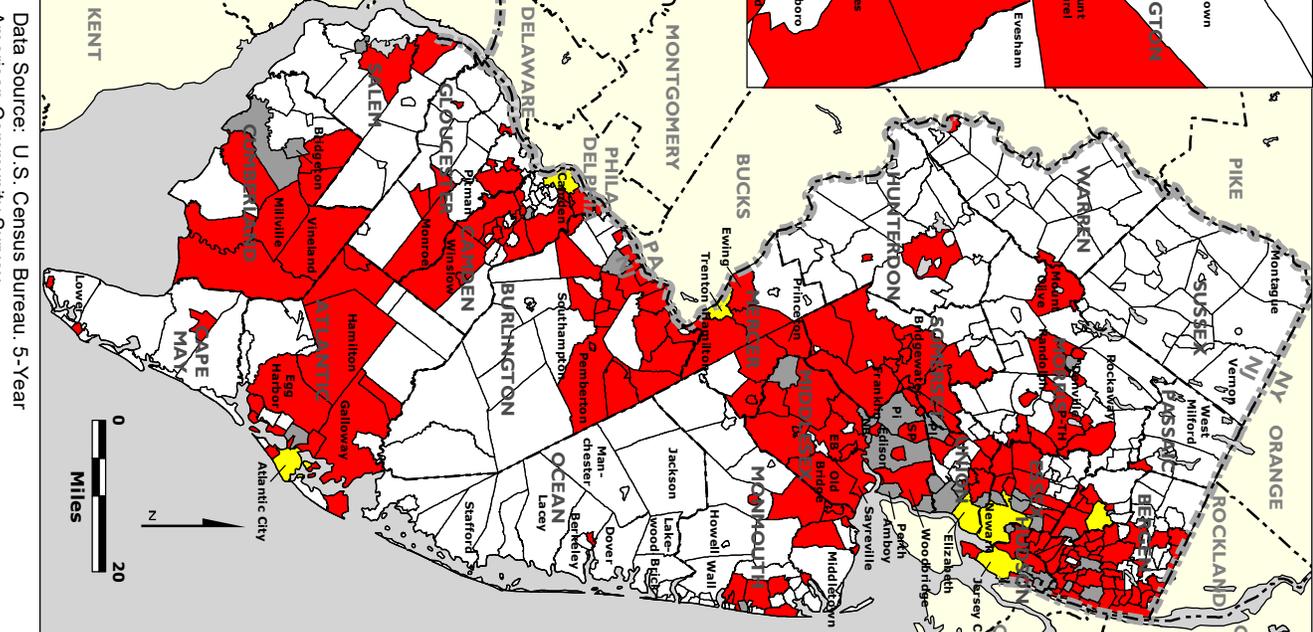
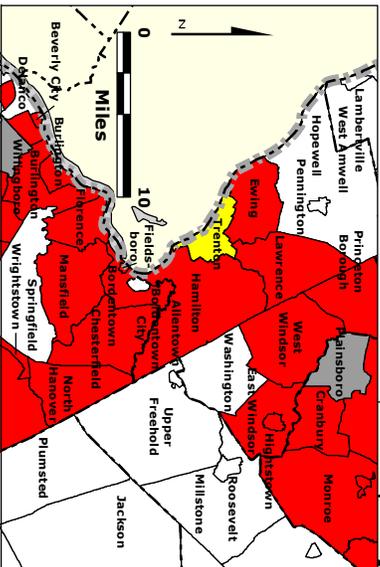
4. The state constitution contains some of the strongest and least ambiguous civil rights provisions in the nation. This includes an article of the state constitution barring segregation in public education, put forth in 1947 by Oliver Randolph, the single African-American delegate to the state constitutional convention. The constitutional provision has been previously held to

NEW JERSEY Racially Diverse Places by Municipality, 2016

Camden Area



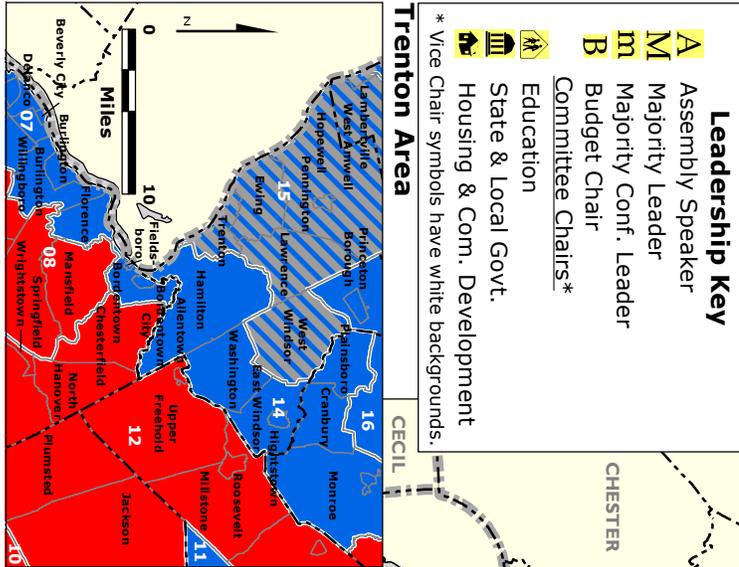
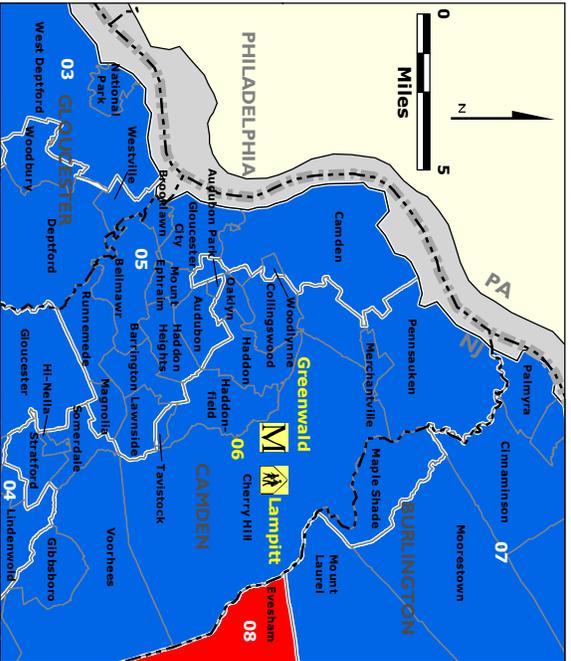
Trenton Area



Data Source: U.S. Census Bureau, 5-Year American Community Survey.

NEW JERSEY Party of Elected State Assembly Member and Leadership by Legislative Districts in 2017

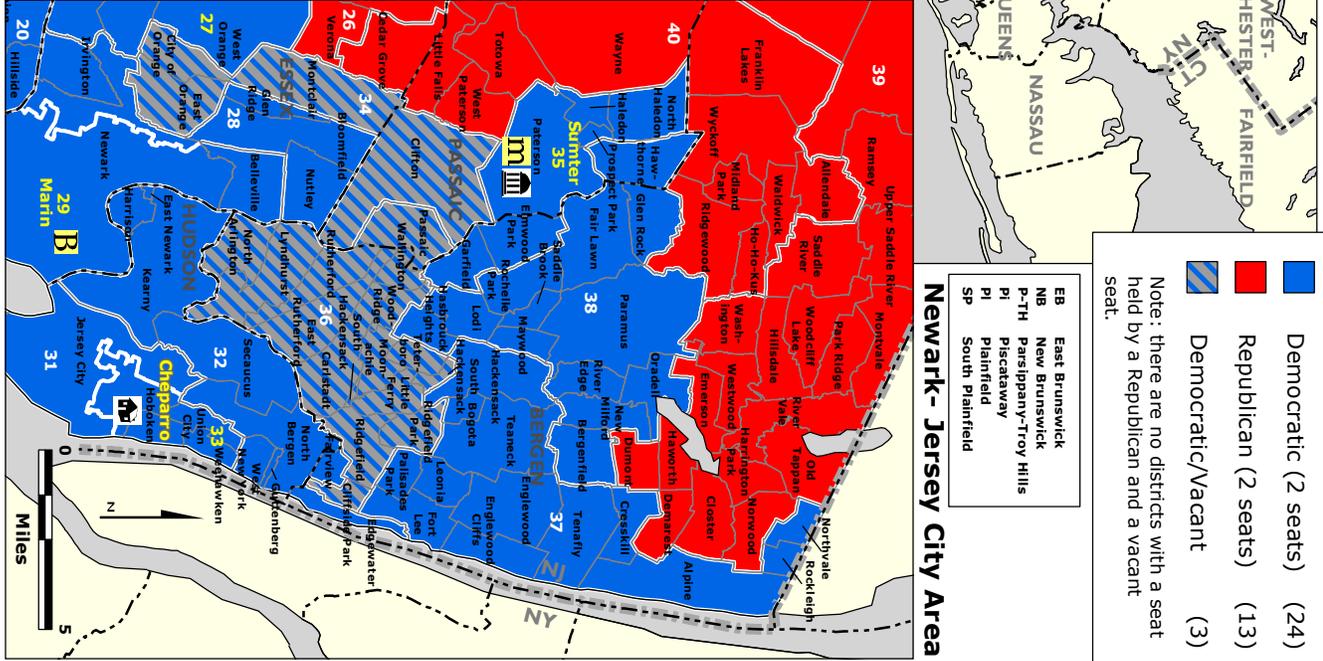
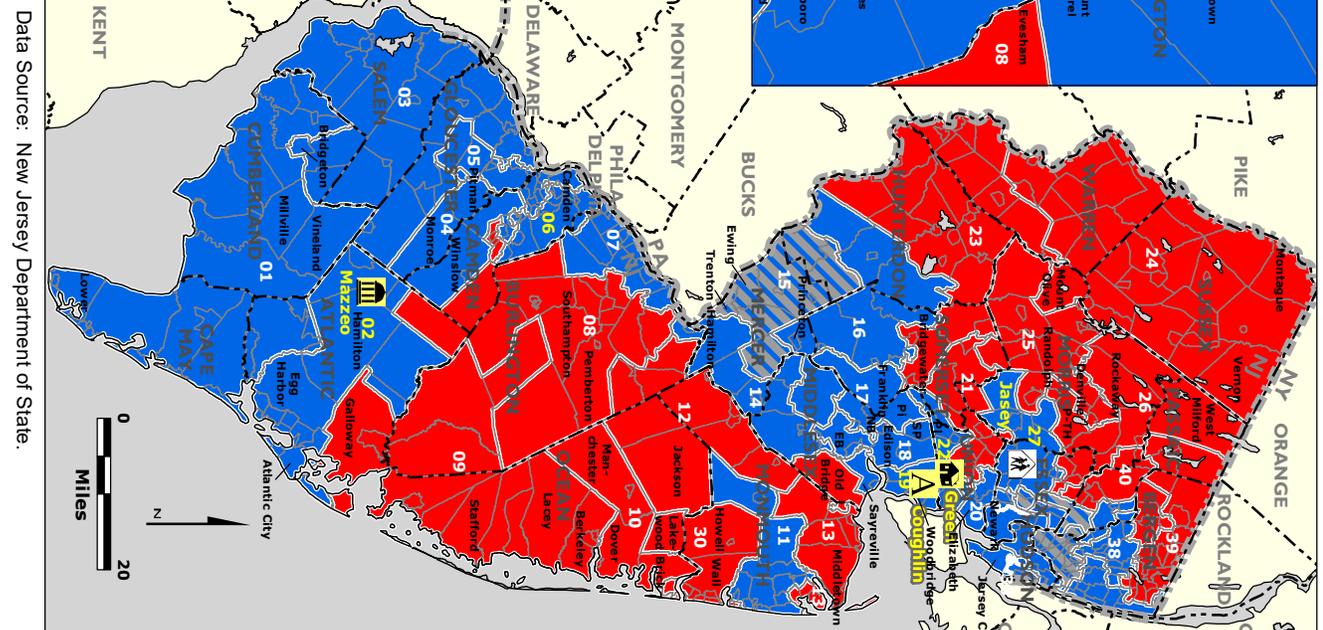
Camden Area



Leadership Key

- A** Assembly Speaker
- M** Majority Leader
- m** Majority Conf. Leader
- B** Budget Chair
- Committee Chairs***
- Education**
- State & Local Govt.**
- Housing & Com. Development**

* Vice Chair symbols have white backgrounds.



Legend

- Democratic (2 seats) (24)
- Republican (2 seats) (13)
- Democratic/Vacant (3)

Note: there are no districts with a seat held by a Republican and a vacant seat.

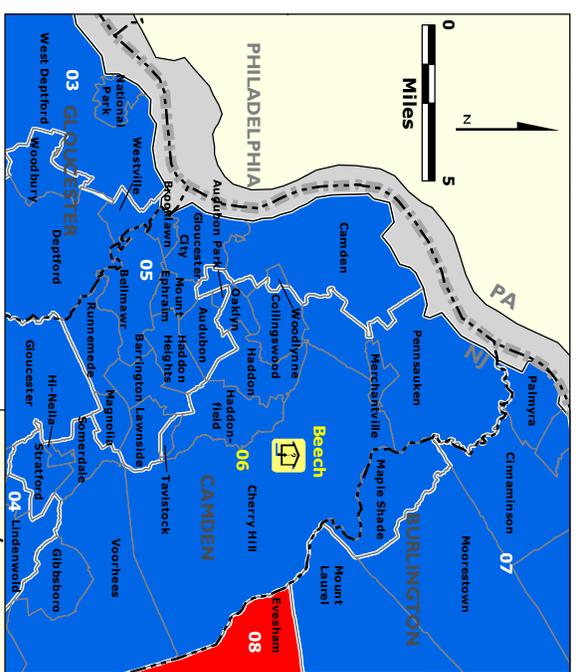
Newark - Jersey City Area

- EB East Brunswick
- NB New Brunswick
- P-TH Parsippany-Troy Hills
- PI Piscataway
- PI Plainfield
- SP South Plainfield

Data Source: New Jersey Department of State.

NEW JERSEY Party of Elected State Senator and Leadership by Legislative Districts in 2017

Camden Area

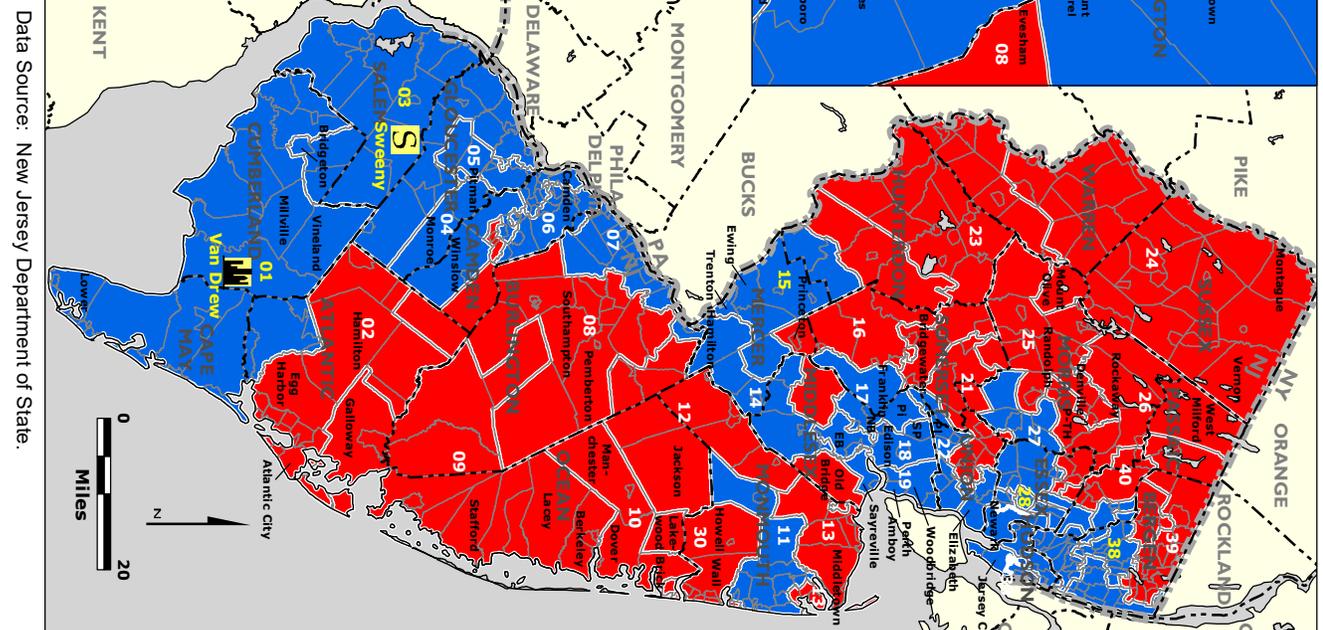
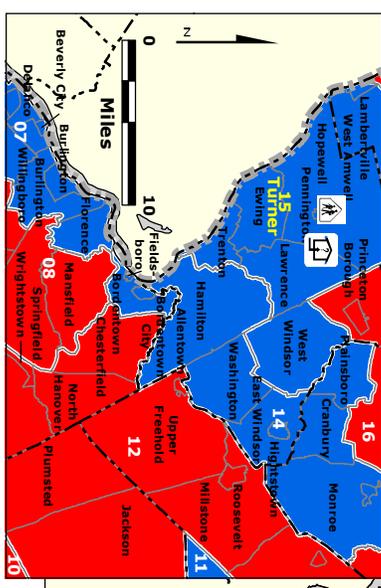


Leadership Key

- S** Senate President
- D** Democratic Conf. Leader
- Committee Chairs***
- Education**
- State Govt., Tourism, Historic**
- Community & Urban Affairs**

* Vice Chair symbols have white backgrounds.

Trenton Area

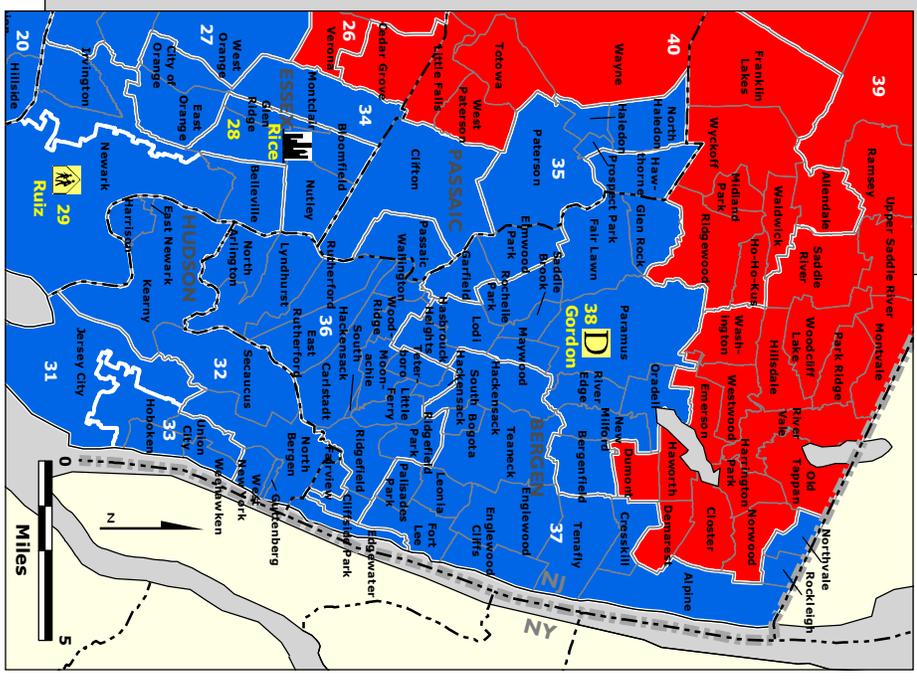


Legend

- Democratic (25)
- Republican (15)

Newark - Jersey City Area

- EB East Brunswick
- NB New Brunswick
- P-TH Parsippany-Troy Hills
- PI Piscataway
- pl Plainfield
- SP South Plainfield



Data Source: New Jersey Department of State.

forbid unintentional, “de facto” segregation in schools, greatly reducing the burden for potential plaintiffs.

In addition, New Jersey is home to the famous *Mount Laurel* constitutional doctrine, which asserts that all communities in a metropolitan area are legally interdependent and obligation to provide for their fair share of the region’s affordable housing supply.

5. The state is the site of the nation’s newest and most promising school desegregation lawsuit, *Latino Action Network v. New Jersey*. Filed just two months ago, the lawsuit seeks a statewide remedy to school segregation, relying on the constitutional provision cited above. The lawsuit has already garnered support from an unusually broad coalition of stakeholders, including the state NAACP, a Latino advocacy group, and a number of local housing and advocacy groups. The legal campaign is being led by two former state supreme court justices, both of whom are Republicans.

6. New Jersey is home to one of the United States’ most deeply connected and battle-tested civil rights organizing networks. That network, Building One America, has a long and successful history of organizing diverse communities, often under distinctly difficult conditions. In many of its most important victories, it has worked hand in hand with the Institute on Metropolitan Opportunity at the University of Minnesota.

Previous Successful Campaigns

- **The Building One America network has previously fought and won immensely difficult organizing campaigns in New Jersey.**
- **Facing down initial political opposition from wealthy areas and working-class areas alike, the network succeeded in eliminating a system of payoffs that wealthy cities were using to pack affordable housing into low-income neighborhoods.**
- **Building One America successfully rallied support for greater housing integration in conservative-voting, working-class white areas typically ignored by progressive organizers.**
- **Organizers were able to generate support by talking directly and frankly about racial issues, generating trust in communities where race has often been a dividing line.**
- **The coalition was also repurposed to reform the state’s school funding formula, obtaining \$450 million in additional funding, primarily for integrated and diverse school districts.**

The principals in the currently proposed New Jersey campaign have conducted multiple very successful organizing campaigns in New Jersey before, generating and unifying political support from dozens of mixed-race and working-class communities to promote civil rights in the state legislature. Unlike many other modern-day civil rights organizations, these campaigns draw directly on organizing strength in labor, faith organizations, and local politics, and use tried-and-

true political pressure tactics to score policy wins. They also target places typically ignored by progressive organizers – in particular, white working-class areas that often vote for conservative politicians. The secret to this success has been a willingness to talk frankly about racial issues, rather than avoiding the topic or attempt to disguise it.

Building One America's key asset is its director, Paul Scully, a labor and community organizer with nearly three decades of experience working with some of the nation's most committed activists (including, as it happens, President Barack Obama in his early years as a Chicago organizer). This background has left Scully a focused and unrelenting organizer, who builds organizing campaigns with the single-minded purpose of achieving political and legislative victories.

Scully's long history in the civil rights and labor world have left him with deep links to the national leadership of organizations like the NAACP, the United Steel Workers, the Coalition of Black Trade Unionists, the traditional African-American church, and the nation's largest DC-based civil rights advocacy groups. Scully has an unrivaled knowledge of the complexities of New Jersey local politics, cultivating hundreds of relationships with school board members, local elected leaders, labor leaders, and community advocates from across the political spectrum.

Scully's work in New Jersey has been in partnership with the Institute on Metropolitan Opportunity and its leader, Professor Myron Orfield.

Professor Myron Orfield is the Director of the Institute on Metropolitan Opportunity. He has written three books and dozens of articles and book chapters on local government law, spatial inequality, fair housing, school desegregation, charter schools, state and local taxation and finance, and land use law. The syndicated columnist Neal Peirce called him "the most influential demographer in America's burgeoning regional movement." Orfield's research has led to legislative and judicial reforms at the federal level and state level reform in Minnesota, Illinois, Michigan, California, New Jersey, Connecticut, Massachusetts, Washington, Oregon, and Maryland.

Perhaps most important to this work, Orfield was elected to both the Minnesota House of Representatives and Senate, where he was the architect of a series of important legislative changes in land use, fair housing, and school and local government aid programs.

Professor Orfield has been a litigator in a large law firm, a civil rights lawyer, and an assistant attorney general of Minnesota, representing Minnesota in appellate courts, including the United States Supreme Court. He has been a senior fellow at the Brookings Institution in Washington and led both a national non-profit organization and a private research firm with clients all over the United States. Recently, Orfield served on the National Commission on Fair Housing and Equal Opportunity, as an academic advisor to the Congressional Black Caucus, an advisor to President Obama's transition team for urban policy, to the White House Office of Urban Affairs, and as special consultant to the HUD's Office for Fair Housing and Equal Opportunity. At FHEO, Professor Orfield assisted in the development of the Fair Housing Act's Discriminatory Effects Standard (the "disparate impact rule") (78 Fed. Reg. 11460) and the Affirmatively Furthering Fair Housing Rule (80 Fed.Reg. 42272).

Orfield produced a guide to the political and demographic geography of New Jersey, called *New Jersey Metropatterns*.¹ Scully used this tool to identify diverse, working-class regions of the state – regions that were susceptible to civil-rights oriented community organizing. Using Orfield’s work, Building One America built a group called the New Jersey Regional Coalition, or NJRC.

One major successful campaign conducted by the NJRC illustrates the strength of Building One America’s approach. In 2000, NJRC fought and won a major, years-long battles against affluent New Jersey suburbs who were abandoning their affordable housing obligations.

New Jersey’s *Mount Laurel* doctrine required all municipalities to provide their fair share of the region’s affordable housing, in order to prevent housing segregation. But over time, exclusionary communities had blown a huge hole in the *Mount Laurel* doctrine. This was a device known as a “Regional Contribution Agreements,” or RCAs, which allowed cities to purchase an exemption from their fair share requirement, by paying a fee to lower-income communities to produce the housing instead. Created by a loophole in state law, RCAs dramatically increased segregation within the state. Despite this, they were politically irresistible in many constituencies – including larger, poorer cities like Trenton and Camden, which were cash-strapped and saw the agreements as easy money. Institute maps illustrated this dynamic and played an important role in the campaign to come. (For an example, see the maps on the following page, showing RCA transfers in New Jersey.)

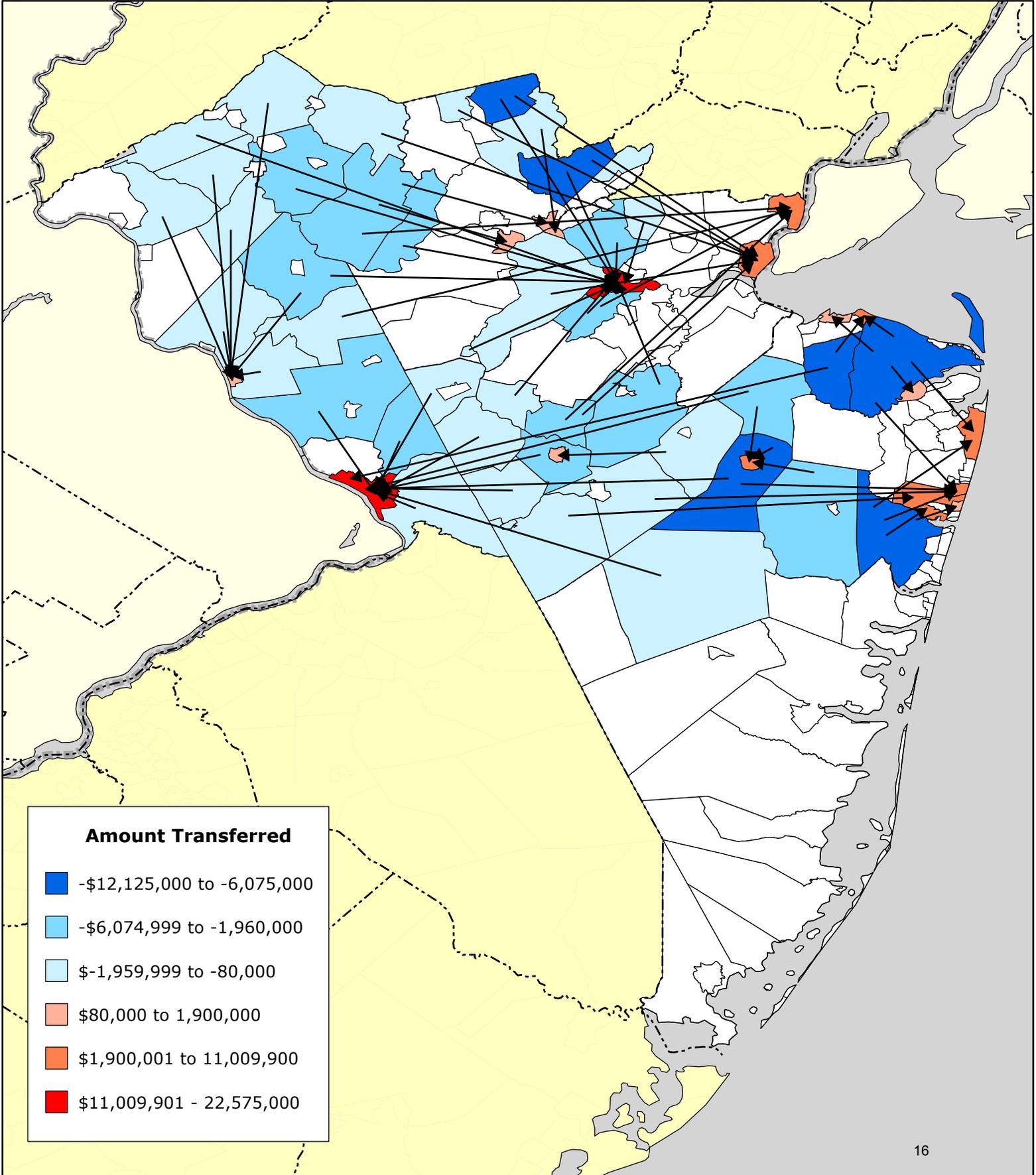
NJRC, led by Scully and Building One America, organized a campaign to ban cities from implementing these arrangements. This was an extremely difficult proposition, because NJRC seemed to be demanding that poor cities turn down large sums of easy money for a nebulous community benefit.

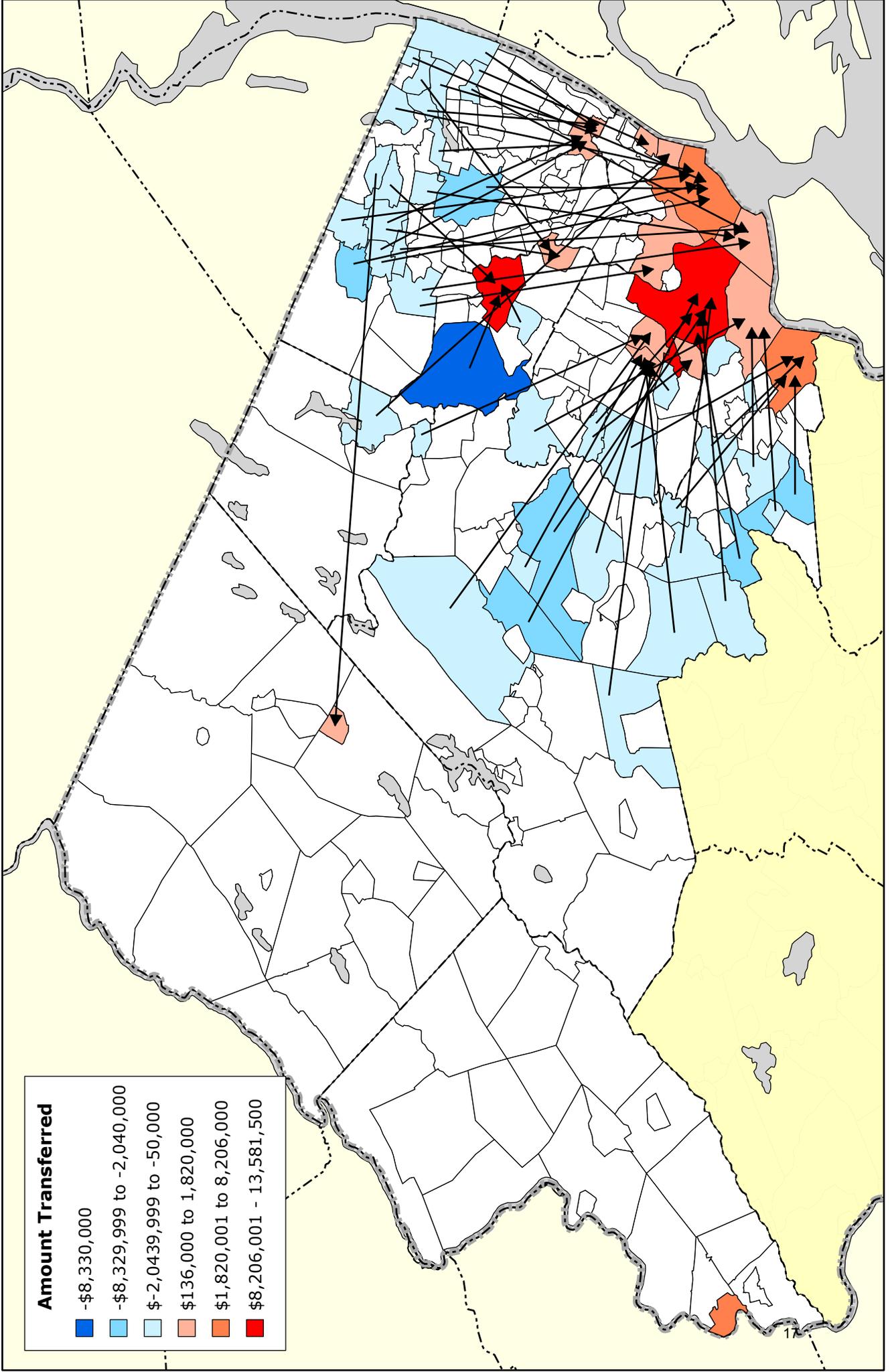
Nonetheless, NJRC kept fighting this uphill battle. It did so by directly engaging with members of working-class communities. Most notably, it engaged with communities on the topic of race.

This made friends of blue-collar white suburbs, which had previously been opponents. Particularly in white working-class areas, no progressive organization had previously dared broach the topic of race. In a meeting in Gloucester Township, attended by 200 residents, a shocked resident confronted Scully: “You mean we get to talk aloud about race . . . how we have a couple of bad places with too much Section 8?” Scully responded by pointing out that the township was admirably diverse, and challenging the audience to do something to protect the town’s diversity. Freed from the racial taboo, and empowered with a vocabulary to discuss issues they had previously thought of as rhetorical minefield, attendees built a strong organizing base in the city. Ultimately, the town’s Republican mayor became a major public champion for the elimination of RCAs. into a source of organizing strength.

The RCA campaign was hard fought but build momentum. As NJRC’s network grew, towns began rejecting RCA agreements, citing communal self-interest and the moral imperative of not creating segregation. Throughout the campaign NJRC and Scully relied on maps and research

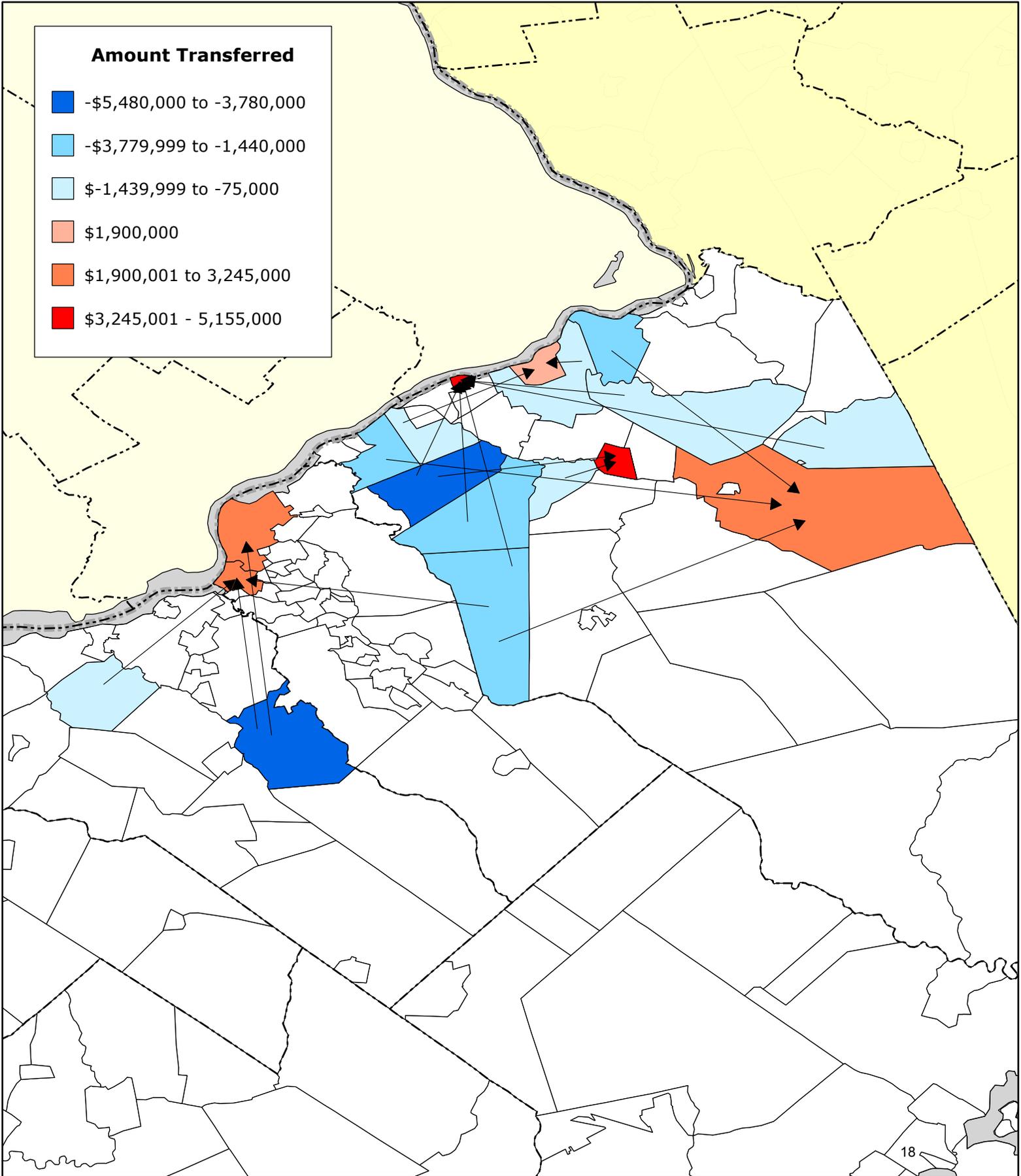
¹ MYRON ORFIELD AND TOM LUCE, *NEW JERSEY METROPATTERNS* (2003), *available at* https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1023&context=imo_studies.





Amount Transferred

- \$5,480,000 to -3,780,000
- \$3,779,999 to -1,440,000
- \$1,439,999 to -75,000
- \$1,900,000
- \$1,900,001 to 3,245,000
- \$3,245,001 - 5,155,000



produced by the Institute on Metropolitan Opportunity. Gloucester Township’s Republican mayor testified in the state legislature, stating that “The time has come for all municipalities to provide housing for low and moderate-income citizens.” She continued: “It can only make our communities economically and socially balanced, and provide fair and equal opportunities for all residents.”

Widespread grassroots opposition to the RCAs appeared across the state, discussing the agreements as “blood money” taken to build segregation. At the campaign’s peak, rallies were being held across the state in key legislative districts, each with hundreds of attendees calling for RCA abolition. NJRC coordinated with legal action by the state’s Fair Share Housing Center, which was forcing the state to rewrite housing regulations. Then-Governor Corzine felt so much pressure that he felt forced to change the state’s powerful housing commissioner to one more amenable to the activists’ demands. Final victory came in the legislature – in 2008, after a five-year campaign, the RCAs were abolished by statute. The campaign achieved significant local and national press coverage, and has been cited in outlets like the New York Times as an exemplar of multiracial civil rights organizing.²

In the midst of the RCA campaign, NJRC and its affiliates scored another transformative victory. Its regional coalition had included revisions to the state school aid formula in its policy platform, in order to provide greater funding to low-income students no matter where they attended school. The revised formula had been created by the Institute on Metropolitan Opportunity. (The previous formula had only provided special assistance to low-income students in a handful of high-poverty districts.) With policy support from the regional coalition and its allies, the state legislature altered the funding formula to increase aid to districts in proportion to their low-income populations. In addition, \$450 million in additional funding would be redirected to education.

Two book chapters describing this campaign in more detail are attached as an appendix.

In short, Building One America constructed a powerful coalition able to drive the New Jersey educational and housing agenda. We now propose restoring that coalition for an even more significant campaign – one that goes to the heart of America’s racial divide.

Proposed New Jersey Action Plan

- **We propose building a broad and deep grassroots movement for integration and economic justice in New Jersey.**
- **This movement will be modeled after past campaigns, to take advantage of the unique political moment in the state, and will inform any remedy to the state’s ongoing school desegregation lawsuit.**

² Sheryll Cashin, *Justice for Blacks and Whites*, N.Y. TIMES (July 1, 2014), available at <https://www.nytimes.com/2014/07/02/opinion/lessons-from-the-civil-rights-act-50-years-later.html? r=1>; Tom Hester, *20 Years Later, Law Was Worth the Wait*, NJ.COM (Oct. 16, 2008); Gregory J. Volpe, *Corzine Approves Housing Reform*, COURIER-POST (July 17, 2008).

We propose using New Jersey as a proving ground in which a new civil rights coalition can be first shaped and tested. This proposal builds on a series of statewide convenings held by Building One America, beginning two years ago. Participants have included the state's teachers unions, local and state NAACP chapters, clergy, and local elected leaders, including school board members from diverse districts. Notably, the state's recently elected governor, Phil Murphy, has also participated.

At present, Building One America has accelerated its organizing timeline to correspond with the lawsuit and prepare local constituencies.

1. Since the desegregation lawsuit was filed, Building One America has formed a statewide organizing committee to expand its reach in six local subregions of the state, covering most key legislative districts.
2. Each subregion has a Local District Council that will schedule and organize a regional gathering of local leaders and legislators. These regional gatherings, called "Listening Sessions," will be designed to solicit input and seek a consensus to inform the remedy. These will take place in the fall and winter 2018.
3. In early 2019 a large statewide gathering will take place with Governor Murphy and legislative leadership. At this gathering, a blueprint for a remedy will be presented based on the regional sessions and the input of local and national experts and leaders.
4. In 2019, Building One America will carry its blueprint back to regional and local leaders to build support in legislative districts and among community leaders and officials in those districts.
5. Throughout this period, Building One America will be recruiting and training a growing multiracial cadre of leaders from diverse communities and regions across the state. It will also ramp up its fundraising capacity using the campaign to drive dues and a fundraiser later in 2019. The expectation is that energy surrounding the lawsuit, and energy surrounding the midterm elections, will contribute to the organization's ability to recruit dedicated new multiracial leaders.

Building One America will directly link these activities to the Summit for Civil Rights national agenda at the 2019 statewide gathering, which will double as the second national convening for the Summit for Civil Rights.

New Jersey National Convening

- **We propose a major national convening in New Jersey, held to finalize the Summit for Civil Rights three-pronged civil rights strategy, and to shift members towards implementation of that agenda.**
- **Holding the convening in New Jersey will allow the growing movement in the state to inform the national agenda, and vice versa.**

As previously discussed, this is an incredibly pressing moment for civil rights, one in which the national movement must be maintained and expanded in order to push back against the rapid erosion of past victories and the entrenchment of reactionary political power. Beyond that, advocates need to become better-versed in the dynamics of state and regional civil rights campaigns, since federal progress is unlikely until at least 2020.

Towards these ends, The Summit for Civil Rights will be holding a national convening in central New Jersey on January 17th and 18th, 2019. This convening will focus on the practical questions of coalition-building, using recent developments in New Jersey as a prototype for tactics that could be deployed nationally. New Jersey's ongoing statewide school desegregation lawsuit, racially diverse mix of suburban communities, and progressive elected officials make it an ideal location for the next national step forward in the Summit's multiracial organizing agenda.

The January convening will serve as a bridge between two stages of the Summit's activities. First, it will act as a capstone for the Summit's 2017 event, which developed a three-pronged strategy for civil rights, in which legislative, legal, and organizing activities are coordinated. Second, it will shift the focus towards the implementation of each of these strategic prongs, looking for lessons in the experiences of New Jersey advocates, analyzing potential expansions to the New Jersey campaign, and considering any adjustments that would make tactics more viable nationally. The event will also look ahead to find new states primed for civil rights organizing or litigation.

Preparation for the 2019 convening is underway. Summit members have conducted site discussions and have settled on two possible sites: Rutgers University and Princeton University. Outreach is underway to determine which institution is best-positioned to host the event. In addition, preparations are being made to extend and finalize the three-pronged strategy recommendations developed at the 2017 event by the relevant committees. Discussions with local New Jersey groups over the 2019 convening have also begun.

Why Is an Organizing Coalition Necessary?

- **Grassroots support is the only way to ensure that policy interventions are enduring and informed by community knowledge.**
- **Legislative or legal victories without grassroots support can, and often do, collapse in the face of popular political backlash.**

At first blush, it may seem that, with a lawsuit well underway and a favorable political environment, additional organizing in New Jersey is gratuitous. But the longtime lesson of the civil rights movement is that litigation alone is rarely sufficient to score lasting victories.

When it comes to producing and protecting integration, triumph is never assured. Political resistance can arise suddenly and forcefully, even when circumstances initially look promising. A strong base of community support, created through effective, dedicated organizing at a local level, can keep pressure on elected and legal authorities and ensure they do not shirk their duty to find an effective and lasting remedy.

Community support is essential for another reason, even *after* a legal victory: a strong coalition gives courts and lawmakers the necessary political capital to adopt bold, far-ranging solutions. It also helps uncover solutions that are tailored to local conditions, and accepted by the cities and neighborhoods they affect. An apparent victory can quickly turn into catastrophe if it is rejected at the community level, or solutions are so narrowly and technocratically designed that they quickly break down. Organizing allows for widespread community input, and ultimately, community buy-in.

There are a number of national desegregation lawsuits that have been severely undercut by a failure to obtain sufficient community buy-in. The two most widely-recognized state-level desegregation cases both took place in the 1990s – the *Sheff* case in Connecticut and the *Xiong* case in Minnesota. In both cases, plaintiffs prevailed. Connecticut implemented a far-reaching regional integration program in Hartford, while Minnesota struck a settlement to implement a voluntary suburban busing program.

But in both cases, those remedies are endangered by community resistance. In Connecticut, the coalition in support of the *Sheff* lawsuit has withered with time, and the lack of additional political pressure has kept the state from implementing similar solutions elsewhere in the state. As this has happened, political leaders have consistently returned to the idea of limiting the Hartford remedy. In Minnesota, the voluntary busing program was dogged by inconsistent community support from the very start. This has given right-wing critics sufficient ammunition to attack the program as a failure. State support waned quickly, and schools resegregated so fast that the same attorneys are now in the midst of an identical to the earlier *Xiong* case, hoping to again desegregate the schools.

In other words, absent robust political support, a court victory can become a symbolic victory, or even a Pyrrhic victory. The New Jersey plaintiffs need strong backing from their state's communities, or else their moment could be wasted.

The Stakes

If successful, a civil rights organizing campaign in New Jersey can demonstrate that America's changing demographics are not a weakness, inevitably leading to political fractures, but an advantage, and the basis for resuscitating the long-dormant principle of multiracial organizing. If the campaign in New Jersey fails and the moment passes, it could be decades before the nation experiences another opportunity to rebuild the powerful civil rights coalition of the 1960s – if ever.

Appendix: Chapters Describing the Successful New Jersey Organizing Campaign Against Regional Contribution Agreements

- I. David Rusk, Can Faith Move Mountain-Less New Jersey? (2008)**
- II. Sheryll Cashin, Place, Not Race (2014)**

Can Faith Move Mountain-less New Jersey?

by David Rusk
(final draft 6/23/08)

“We must improve our Fair Housing Act – a law so flawed in its application that the use of the term “fair” in the title is a mockery in itself.”

The packed hall at the Princeton University Symposium on Affordable Housing was riveted by the steely intensity of the tall, craggy, sandy-haired politician.

“Where is the ‘fairness’ in allowing wealthy suburbs to avoid half of their fair share obligation by entering into ‘Regional Contribution Agreements’ – RCAs – with economically deprived cities?” he asked.

“As someone who lives in the city of Camden, I have seen what a cash-hungry urban area is often forced to accept in exchange for funding – prisons, waste plants, sex offenders – and I’ve seen firsthand the impact that concentrated poverty can have on a city.

“New Jersey must abolish these odious and exploitative RCAs once and for all,” he declared. “To advance as a state, we must move forward together – all of us – *and not pay others to stay behind.*”

Several local residents shifted uneasily in their seats as the moral force of the speaker’s statements hammered home. Princeton Township had paid impoverished Trenton \$460,000 to take a constitutional obligation to build 23 units of affordable housing off the hands of the wealthiest community in Mercer County.

“I am therefore committed to using my position as Majority Leader of the General Assembly to advance legislation eliminating RCAs in New Jersey,” the speaker concluded.

Assemblyman Joseph J. Roberts, Jr., 52-year old Majority Leader of the New Jersey General Assembly had spoken out of deep personal conviction that April 2004 evening.

He had also been fortified by the arguments and political support of the New Jersey Regional Coalition, a powerful, faith-based coalition of congregations committed to achieving social justice and genuine opportunity in the most economically segregated state in the country.

The Birth of the New Jersey Regional Coalition

Begun just two years earlier, the New Jersey Regional Coalition had sharply different goals than the Bush administration's widely-ballyhooed Faith-Based Initiative. The White House called upon churches to expand their traditional charitable mission. The New Jersey Regional Coalition, however, was the inheritor of a different religious tradition: the anti-slavery movement, the child labor law movement, the civil rights movement. The White House saw churches as a way to deliver social services to the poor ... on the cheap. The New Jersey Regional Coalition demanded social justice.

The New Jersey Regional Coalition was affiliated with the Chicago-based Gamaliel Foundation, a faith-based organizing institute. The Gamaliel Foundation itself represented a radical break from the traditional community organizing focus on neighborhood-level action and City Hall. During the 1990s, Gamaliel Foundation leadership had become convinced that the decline of inner cities could not be reversed without dealing with development trends outside their boundaries. Many neighborhood problems demanded regional solutions.

Key contributors to shaping the Gamaliel Foundation's new regional perspective were its three "national strategic partners." Minnesota State Senator Myron Orfield literally mapped out why "metropolitics" – building coalitions of central cities and at-risk suburbs – was essential. Former ACLU national law director John Powell **[note to editors: john powell spells his name all in lower case letters]** argued that "space, not race, has become the tool that divides society" and that anti-sprawl policies and region-wide "opportunity-based housing" are "the new civil rights issues." And David Rusk, a former mayor of Albuquerque and New Mexico state legislator, insisted that the traditional "inside game" must be counter-balanced by the "outside game" – changing the "rules of the game" guiding "what gets built where for whose benefit."

Their writings had caught the attention of Marty Johnson, founder and president of Isles, Trenton's most successful community development corporation (CDC). Founded in 1981, for two decades Isles had been carrying out a wide range of programs "to foster more self-reliant families in healthy sustainable communities."

In 1996-97, Johnson took a sabbatical from Isles to teach at the Woodrow Wilson School of Princeton University. While there, he began to develop a national project to better measure the impact of community building work – the Success Measures Project. Upon his return to Isles'

management, they began applying different measures to community health. These new measures painted a challenging picture. It forced Isles to understand the limits to their capacity to impact communities. “On one level,” Johnson recalled, “we saw lots of success – new homeowners; more high school graduates, less dropouts; cleaned urban neighborhoods. On another level, when we looked at the indicators of overall community health, the data were telling a very different story – continued flight, concentrated poverty, etc. We were confronted with the reality that we were succeeding and failing at the same time.”

Johnson invited Rusk to come to Trenton and Princeton in April 2000 to present his regional analysis for Trenton-Mercer County. For Rusk, it was an extraordinary event – the first time in almost a decade of his speaking and consulting that any CDC, traditional practitioners of the “inside game,” had ever sought his “outside game” analysis.

Subsequently, Johnson also invited Orfield and Powell to speak at Isles-sponsored community forums and, in June 2001, taking up Rusk’s suggestion, brought a busload of community leaders for a tour of Montgomery County, Maryland’s mixed-income housing developments. (“That action told me that this group was really serious about regional reform,” Rusk noted.)

Johnson began pulling together leading New Jersey organizations to discuss Isles’ findings, test others’ assumptions about regional demographic trends and to explore the potential to forge new alliances across the region. He began pooling Isles’ funds from the William Penn, Surdna, Schumann, and Dodge foundations to launch a new organization. The group commissioned Orfield to research *New Jersey Metropatterns*.

At this point, two worlds – a local CDC and a national faith-based organizing movement – came together. Long centered in the Midwest, the Gamaliel Foundation had dispatched Paul Scully, a veteran organizer, to extend its reach to the East Coast. One of Scully’s first initiatives was organizing Jubilee Interfaith Organization in North Jersey. (Rusk keynoted Jubilee’s “Metropolitan Equity Forum” in September 2000, and, on a visit with Jubilee’s organizing committee, Johnson met Scully and was intrigued by Gamaliel’s work.) After a year’s sabbatical as a local union’s organizing director, Scully was about ready to put on his regional equity organizing hat again.

With strong references from Orfield and Rusk (both of whom had worked extensively with Scully in the Gary-Hammond-East Chicago area), Johnson hired Scully for his project. Quickly, the two decided to move

from research and advocacy to grassroots organizing statewide. Johnson, Scully, Rusk, Powell and Orfield drew upon their relationships in New Jersey. They reached out to Barbara Lawrence, head of New Jersey Future, growth management advocates; Peter O'Connor, founder of Fair Share Housing Development, a regional non-profit housing developer, and Fair Share Housing Center, an affordable housing advocacy organization, and Gamaliel leaders.

To this core group (Isles, New Jersey Future, Fair Share Housing Development and Center, and Jubilee) were added the Regional Planning Partnership (later PlanSmartNJ), Coalition for Affordable Housing and the Environment, New Jersey Community Loan Fund, and New Jersey Institute for Social Justice. With a "seed money" grant from the Ford Foundation and co-chaired by Marty Johnson and Roland Anglin, head of the New Jersey Public Policy Research Institute, the New Jersey Regional Coalition (NJRC) was formally organized. With Isles as its initial organizational "home" and fiscal agent, NJRC shared offices with Fair Share Housing Center in Cherry Hill near Camden.

Thus, from its inception, NJRC represented a rare blending of experience and talents. Scully brought a decade's experience as a top-notch community organizer within the same organization in which young Barack Obama cut his eyeteeth. Rarer still was Isles. Beyond the contacts, credibility, and resources from twenty years of successful "inside game" programs, Isles was ready to recognize that, in pursuing progress, it had often, in Johnson's words, "been measuring the wrong stuff ... but we were not fearful of what might happen if we acknowledged what we were not achieving rather than just being content with what we were achieving."

NJRC made an impressive public debut in June 2003. Over 500 people filled a hall at Rutgers University in New Brunswick for NJRC's "People's Summit on Regional Equity." All three strategic partners were featured speakers. Orfield presented multi-colored maps charting regional disparities from his recently completed *New Jersey Metropatterns* (which became the "bible" of the movement). Rusk emphasized that "housing policy is school policy:" where children live largely shapes their educational opportunities not in terms of school budgets but who their classmates are. Powell detailed how for almost thirty years state policy loopholes (like RCAs) and suburban intransigence had frustrated the New Jersey Supreme Court's *Mt. Laurel* decision. The court's goal had been to open up New Jersey's suburbs (with their growing job markets and low-poverty schools)

to poor minorities trapped in city barrios and ghettos (where both jobs and high-quality schools are vanishing).

Knowing that building grassroots power would require more than the ability to attract a large audience to a one-time event, NJRC launched organizing efforts in all three sections of the state. That fall and winter Rusk keynoted three sub-state organizing luncheons.

Organizing South Jersey

The organizing luncheon for the South Jersey Regional Equity Organizing Project in October 2003 was typical of the three events. The luncheon was held in the new parish hall of Christ the King Catholic Church in Haddonfield (ironically, the region's wealthiest community; use of the facility had been offered by the parish priest, who was also diocesan chancellor).¹ The parish hall was packed with over 120 persons but was particularly noteworthy for the tremendous diversity of its attendees. There were 32 pastors and 26 other religious leaders (deacons, nuns, social action committee chairs, etc.) representing 43 different congregations.

The geographic diversity of the religious participants was further expanded by participation of numerous civic organizations, such as three NAACP chapters, the Puerto Rican Action Committee, and the Pennsauken Stable Integration Governing Board. In all, 34 municipalities in the Burlington-Camden-Gloucester-Salem region were represented as well as the cities of Vineland, Millville, and Bridgeton (Cumberland County), and Lakewood Township (Ocean County).²

The meeting was chaired by Monsignor Dominick Bottino, pastor of St. Stephen Parish of Pennsauken, Camden's largest (and most threatened) first-ring suburb. Rusk was introduced by Peter O'Connor (Fair Share Housing) to give the keynote address. Rusk's presentation did not focus on Camden but was designed consciously to appeal to the self-interest of "Orange Land" municipalities (at-risk suburbs, in Orfield's typography) and

¹ Several months before, Scully had helped organize a gathering of about 50 Catholic priests and lay leaders at St. Stephen to recognize locally Peter O'Connor for receiving a national award at a testimonial dinner in Washington, DC where the national Catholic Campaign for Human Decency honored O'Connor for his three-decade long campaign for the *Mt. Laurel* doctrine. Scully and Rusk had attended the CCHD testimonial.

² Of the 95 participants from the Camden area, though the largest single municipal group (33) came from Camden, the central city ("Red Land"), only nine came from wealthy suburbs ("Blue Land"), and 53 came from declining or at-risk suburbs ("Orange Land").

to emphasize how they were now being affected by “city problems.” Rusk emphasized that “poor communities pay higher taxes” and that “wealthy communities pay lower taxes.” (Property tax reform is the burning issue throughout New Jersey.)

Such tax disparities directly reflect the uneven distribution of jobs and housing types. Contrary to all economic sense and social fairness, workforce housing is being built in the direct opposite locations to where jobs are growing. In the 1990s the ten fastest growing job centers in South Jersey (all outer suburbs led by the eponymous Mt. Laurel) saw + 42,295 new jobs created but only 1,260 new subsidized homes built (mostly for senior citizens). By contrast, the ten municipalities that lost the most jobs (- 25,264 jobs) saw + 16,845 low-income homes built or (more often) renovated. Camden, for example, lost - 6,212 jobs but added (or renovated) + 7,112 subsidized housing units. Almost as striking, first-ring Pennsauken lost 4,199 jobs – third highest job loss in South Jersey.

Rusk argued that Regional Contribution Agreements nullified the whole concept of “opportunity-based housing.” For example, wealthy Washington Township sold back 152 units to Camden for a payment of \$20,000 per unit. During the 1990s, Washington Township had seen a + 30 percent increase in jobs and only 7 percent of its elementary school pupils were low-income; by contrast, Camden lost - 22 percent of its jobs and 88 percent of its elementary school pupils were low-income.

“RCAs are ‘blood money,’” Rusk summarized. (“Amen!” “You tell it, brother!”) “RCAs should be abolished. They are both economic madness and immoral public policy. RCAs may help create more affordable *shelter* in the cities, but RCAs are literally cementing children into poverty-impacted schools where most are doomed to fail.”

“What New Jersey needs is a genuine regional workforce housing policy,” Rusk concluded. “Affordable housing must be built where the jobs are being created. Anybody who is good enough to work in a community is good enough to live in that community.” Applause swept the parish hall.

To fire the audience up further about faith-based organizing, the program ended with impassioned appeals from the Rev. Dr. Hoffman Brown (Weyland Baptist) and the Rev. Karen Brau (Amazing Grace Evangelical Lutheran Church), co-chairs of BRIDGE, the Gamaliel affiliate in Baltimore. Their contribution showed the value of having a nation-wide

network of faith-based organizations that a local organizing effort can draw upon for talent, experience, and inspiration.

As the initial organizing meeting ended, 28 congregations signed pledge cards to send one to five members to a one-day leadership training workshop in January 2004.

The South Jersey meeting set the mold for organizing events in Central and North Jersey where Rusk presented parallel data for each region. During the Central Jersey event, Kevin Walsh, Fair Share Housing Center's young attorney, took Rusk to visit Majority Leader Joe Roberts at the state capitol in Trenton. Roberts had showed his dedication to the cause by amending the \$175 million Camden Recovery Act to ban Camden's accepting more RCAs.

Throughout the winter and spring NJRC continued to build its grassroots strength. Over eighty persons attended one-day leadership training in South Jersey. Another sixty took training in Central Jersey and ninety in North Jersey. They fanned out throughout their congregations, presenting information gathered from Orfield, Rusk, and Powell's work, and polling their members about critical issues.

The two dominant issues that emerged were lowering property taxes and reforming state housing policy. Neither was surprising. New Jersey's local governments are more dependent on property taxes than in any other state except Connecticut. Economic recession and shrinking tax bases had driven city and many inner suburb property tax rates to dizzying levels.

The Epic of *Mt. Laurel*

The housing issue is more complex – and has a long history in New Jersey. In 1971, Carl Bisgaier, Ken Meiser, and Peter O'Connor, young Legal Services attorneys, agreed to take on the cause of African American residents of then-rural Mt. Laurel Township twenty miles from Camden. They had lived in a section of Mt. Laurel for generations – a poor, but proud, little community. Trying to upgrade the wood and tarpaper hovels in which many lived, the residents had obtained a federal grant to build new affordable housing. Their hopes were shattered, however, by the Township leaders who, with visions of high-end housing on the drawing board, denied their zoning application. “If you people can't afford to live in *our town*, then you'll just have to leave,” the mayor told them.

Backed by the Southern Burlington County NAACP, Ethel Lawrence, a much respected African American school teacher, was determined to stand up for their rights. Legal Services filed suit in state court and, in 1975, won the New Jersey Supreme Court's stunning *Mt. Laurel I* decision. Every municipality in New Jersey, the court ruled, has a constitutional obligation to provide a realistic opportunity for the provision of the full range of housing types for all income groups. Moreover, a municipality's affordable housing target would not be limited to serving current residents but would be based on *regional* need. Mt. Laurel Township's affordable housing obligation, for example, would be based, in part, on the needs of low-income residents currently living in Camden.

The court called upon municipalities and the state legislature to implement the court's decision. They did nothing. After eight years, tiring of the legislature's and suburban municipalities' inaction, the Supreme Court issued instructions for the lower courts in *Mt. Laurel II* in 1983. "We may not build houses," the court said, "but we do enforce the Constitution." Among the court's remedies for exclusionary zoning was the so-called "builder's remedy." A builder could propose a housing development including as little as 20 percent affordable housing. If the town council turned the proposal down, the builder could seek a court order directing that the project to be built over local objections.

To blunt the court's determination, the New Jersey legislature finally acted. The Fair Housing Act of 1985 established the Council on Affordable Housing (COAH) and charged it with setting every municipality's "fair share" obligation. However, responding to then-Governor Thomas Kean's veto threat, the legislature instituted the system of Regional Contribution Agreements (RCAs) by which wealthy boroughs and townships could sell up to half their fair share obligations back to poor cities.³

Taking COAH's claims at face value, its achievements have been substantial. As of September 2004, according to COAH's monitoring reports, "the opportunity for approximately 66,600 affordable units has been provided. This includes about 34,900 units that have been built or are under construction, 9,100 units that have realistic zoning in place, 8,800 RCA units and 13,800 units that have been rehabilitated.... More than \$175 million has been approved for transfer [through RCAs]," COAH's website reports.

³ Governor Kean, who had earlier called the Supreme Court's *Mt. Laurel* decisions "communistic" would become co-chair of the 9/11 Commission two decades later.

The reality on the ground is substantially different. Mistaking a group of NJRC pastors for opponents of fair share housing, one town manager was unexpectedly candid. “Litigate, litigate, litigate,” he advised them. “Then build some senior citizen housing, then RCA the rest.”

Throughout these decades, Peter O’Connor literally kept faith. When he left the War on Poverty-funded Legal Services agency, O’Connor established Fair Share Housing Center. Without a penny of foundation support for many years, he waged a continuing battle to enforce all New Jersey communities’ constitutional obligations to provide affordable housing. Litigation (or the threat of litigation) has often forced New Jersey’s state agencies, boroughs and townships to take action.

Despairing of ever getting affordable housing built in Mt. Laurel itself, O’Connor founded Fair Share Housing Development, a non-profit housing provider. Through a front buyer, FSHD purchased a suitable tract of land in Mt. Laurel. In 2000, O’Connor broke ground on the first 100 units of Ethel Lawrence Homes – twenty-nine years after the case was filed.

The physical results were on display when Ford Foundation executives toured the 140 handsome townhouses of Ethel Lawrence Homes in January 2005. Michelle Baraka, resident services manager, memorably filled in the human dimension. Resident family incomes range from \$6,000 to \$48,000 for a four-person family. (Most residents are single-parent households.) About one-third came directly from Camden itself (and generally formed the lowest income group). Baraka described the adjustments the residents are making. “Now that they don’t have to struggle constantly just *to survive*,” she explained, “they can begin *to grow* – get a better job, get a better education, become involved in the community.”⁴

Kicking the RCA Habit

Housing advocates were split over RCAs. Rusk, Orfield, and Powell had all urged outright repeal. Urban affordable housing providers, however, were loath to give up RCA money without an alternate funding source.

⁴ O’Connor believes that there is a limitless demand for “opportunity-based housing” (affordable housing in safe neighborhoods, located in job-rich areas with low-poverty, high-performance schools). There were 868 applicants for the first 100 ELH units opened; over 1,800 persons (again, about one-third from Camden) waited in line to pick up applications for Phase II (only 40 units).

Looking at one of Orfield's maps graphically illustrating how "Blue Land" (wealthy suburbs) was funneling RCAs into "Red Land" (poor cities) and "Orange Land" (at-risk suburbs), Paul Scully observed, "It's like the drug trade. These Blue Land guys are the pushers. The Red Land and Orange Land guys are the users. They know it's not good for them, but once they're hooked, they become addicted. They can't kick the habit."

RCA addicts included Mayor Douglas Palmer of Trenton and Mayor (and State Senator) Sharpe James of Newark.⁵ Asked to comment on another legislator's characterization of RCAs as "plantation money," Mayor James retorted, "I *love* plantation money. I'll take plantation money to build a city. Anyone who has a 75-25 allocation and wants to give away that 75 percent, call Mayor Sharpe James, City Hall, and I'll be there tomorrow to get it." Indeed, Senator James supported an amendment in the 2004 legislative session to raise the ceiling on RCAs to 75 percent of a township's fair share allocation. (It failed.)

Pushed by strong, anti-RCA sentiment from its three sub-state coalitions in North, Central, and South Jersey, founding NJRC board members finally agreed on outright repeal of RCAs. The campaign to repeal RCAs also received a strong boost when the General Baptist Convention of New Jersey, the state's largest group of African American churches, passed a resolution urging RCA repeal.⁶

Never resolved, however, was the split generated by Fair Share Housing Center's legal challenge to the New Jersey Housing and Mortgage

⁵ By the last years of the economic boom of the 1990s, poverty rates in most central cities had declined modestly; even in Camden the poverty rate dipped slightly from 36.6 percent in 1989 to 35.5 percent in 1999. In Trenton and Newark, two RCA-addicted cities, however, poverty rates *increased* – from 18.1 percent to 21.1 percent in Trenton and from 26.3 percent to 28.4 percent in Newark.

⁶ The resolution was the result of Rev. Daryl Armstrong's leadership, who chaired the General Baptist Convention's Social Action Commission. Rev. Armstrong was also the chair of the Central Jersey Regional Equity Coalition and pastor of Shiloh Baptist, a powerful church in Trenton. NJRC co-chair Roland Anglin helped organize a gathering of African American leaders with John Powell in September 2003 during the NAACP state convention. Rev. Armstrong was not only there but he brought Rev. William McKinley, the President of the General Baptist Convention to the dialogue with Powell.

Finance Agency's allocation of federal Low-Income Housing Tax Credits (LIHTC).⁷

FSHC challenged the state's allocation of LIHTC in state court, showing that its policies compounded concentrated poverty. As the Gamaliel Foundation's "national strategic partners," Powell, Orfield, and Rusk all assisted FSHC in this suit that, if successful, would have had nationwide implications. However, some erstwhile "inside game" allies that receive LIHTC funds opposed the suit; The Reinvestment Fund, the Ford Foundation's lead grantee for the Camden Revitalization Initiative, for example, was retained by the state to help oppose the litigation.

FSHC had succeeded in blocking the state's FY 2002 LIHTC allocation, and community development corporations and city mayors were screaming all around the state. O'Connor and Walsh were trying to force the state to allocate tax credits to build genuine "opportunity-based housing" where jobs were growing and schools were successful. No matter. LIHTC users just wanted to build housing even if it would just be more affordable housing "on the affordable housing side of town."

A partial "settlement," however, unblocked the freeze on FY 2002 allocations while the litigation proceeded to trial. The "settlement" was achieved in classic, New Jersey, hard ball-style. At the same time that the suit was brought, Fair Share Housing Development (FSHD), O'Connor's non-profit housing provider, was proceeding with the final 40 units of Phase II of Ethel Lawrence Homes. Phase II required a funding package of \$6.9 million, including \$1.1 million from the State Department of Community Affairs (DCA). With all other financing in place, FSHD was advised by DCA that its application had been approved, only minor technicalities were holding up formal closing of the entire package, and it was encouraged to have the contractor go forward with construction.

Then, in late October 2003, O'Connor received word from DCA that if the LIHTC suit were not withdrawn, the DCA loan for \$1.1 million and developer fee of \$480,000 would be denied. (This came at a time when \$2.5 million in outstanding bills to the contractor had been incurred based on DCA's supposedly "good faith" representations!) After exhausting other possible solutions, FSHC and the plaintiff NAACP branches reluctantly

⁷ The federal Housing and Urban Development Department estimates that LIHTC is involved in financing 90 percent of all affordable housing construction nationally.

agreed to a partial settlement of the suit in order to complete the 40-unit addition ... and to not bankrupt FSHD with \$2.5 million in outstanding bills.

Targeting Tax Reform and Opportunity-Based Housing

Meanwhile, NJRC was refining its reform agenda. It commissioned Myron Orfield's Amerigis Group to simulate different property tax reforms and new formulas to replace COAH's inadequate system. In a series of issue summits in June 2004 Orfield presented the results to the three sub-state regional groups. All adopted a common agenda for statewide action.

Regional Housing Reform

Link low income housing to opportunity

- **Abolish Regional Contribution Agreements**
Eliminate the loophole in the Fair Housing Act that permits wealthy communities to buy out of their share of affordable housing by paying poorer communities to take in more poor people.
- **Base affordable housing obligations on a fair "growth share"**
Link low-income housing development with a town's growth in homes and new jobs. A fair growth share should be 20% of all new housing and 1 house for 5 new jobs created.
- **Housing in Growth Areas Should Be Affordable to the Most Poor New Jerseyans**
Currently state regulations do not require that "affordable housing" be affordable to families earning less than 40% of median income. Workers should be able to live near the high job growth areas.

Property Tax Reform

Lower tax rates, increase services and reduce disparities

- **Reduce reliance on local property taxes for schools**
Shift more responsibility to the state. This will bring down property taxes and will reduce inequities between communities.
- **Explore tax base revenue sharing**
Require that a portion of all new growth is shared throughout the region. This will discourage wasteful competition, slow sprawl, increase investment in older areas, share regional resources, and reduce tax disparities.

Each organization's commitment to this common reform agenda was reaffirmed at their Rolling Thunder rallies in October 2004.⁸ On Thursday, October 21st SJREOP staged its rally at the Cherry Hill Hilton. Upwards of 550-600 persons were present – a very geographically and racially diverse crowd (29 congregations and 13 allied organizations were represented).

That diversity was clearly reflected on the podium with leaders from different denominations (Baptist, Catholic, and Methodist) and from different municipalities (Sicklerville, Pennsauken, Atlantic City, Blackwood, Paulsboro, Cherry Hill, and Haddonfield). Rev. Vivian Rodeffer, United Methodist District Superintendent, offered the opening prayer and the Most Reverend Joseph Galante, Bishop of the Roman Catholic Diocese of Camden, offered closing reflections.⁹

The rally presented issue demands and secured public pledges of support from the four state legislators present and two members of the Governor's Constitutional Convention Task Force.¹⁰ The demands covered

* housing reform (repeal RCAs, support a “five and five” growth share formula, provide an alternative funding source to RCAs for housing rehabilitation in distressed communities, and assure that COAH's regulations “have a true impact on de-concentrating poverty”);

⁸ Gamaliel Foundation affiliates sponsored 26 Rolling Thunder rallies that fall, drawing over 60,000 participants.

⁹ When shown Myron Orfield's map charting how wealthy suburbs are sending their fair share housing obligation back to poverty-ridden cities through RCAs, Bishop Galante commented angrily, “That's just like the Civil War draft.” (During the Civil War wealthy draftees regularly paid poor men bonus money to take their place in the ranks.)

¹⁰ Attendance by legislators at the South Jersey rally was undoubtedly boosted by events at Jubilee Interfaith Organization's North Jersey Rally in Vailsburg on October 14 which drew 1,000 members. When all but one legislator deliberately reneged (without advance warning) on previous promises to attend the rally, Jubilee loaded thirty leaders onto a church bus. They drove to the nearby site of a \$500-a-plate fundraiser for the West Orange mayor (who is also its state assemblyman) where the absent legislators were assembled. Marching into the middle of the fundraiser, the Jubilee leaders upbraided the group for snubbing 1,000 of their constituents who were waiting for them just a few miles away. Though incensed, the mayor and other legislators left his own fundraiser to come to the rally. The word got around quickly, both boosting legislator attendance at the South Jersey rally and leading to State Senate President Pro Tem and incoming Acting Governor Richard Codey to schedule immediately a meeting requested by NJRC. (He had been ducking them.)

* property tax reform (set up regional tax base sharing by pooling and redistributing 40 percent of the growth in property value on an equitable basis and increase the state’s share of local education costs);

* regional planning (appoint the Regional Impact Council for the Camden Recovery Plan and provide a seat for the SJREOP); and

* state constitutional convention on property tax reform (limit the convention to property tax reform, allow regional disparities to be addressed through tax base sharing, increase state support for school funding, and assure that property tax reforms support open space, equal education opportunity, racial integration and urban revitalization goals).

The four legislators pledged their support (though several had refused to commit to RCA repeal in meetings with SJREOP leaders prior to the rally). At evening’s end, rally leaders also read out the names of South Jersey legislators who had been invited but had not come to the rally.¹¹

Killing RCAs Town-by-Town

While gearing up for a massive public education campaign in support of repealing RCA authorization, NJRC’s congregational core teams pressured their local governments to abandon their use. For example, the Town of Haddonfield was in the process of adopting its affordable housing plan (that is, after they were ordered to do so in response to litigation brought by Fair Share Housing Center). Two-thirds of the town’s plan was admirable (an inclusionary zoning ordinance and commitment of town funds to an affordable housing fund); one-third of the town’s plan was not (using RCAs as a third option). Fr. Rob Sinatra, a young Catholic priest and NJRC leader, “communed” with the mayor, urging her to drop the third option.¹² After he did so, Haddonfield agreed in litigation with FSHC to not do RCAs. South Jersey’s wealthiest town would build all its “fair share” allocation within the town.

¹¹ It is a standard rule of Gamaliel network organizing technique that public officials must be made to understand that they can neither renege on commitments nor refuse to meet with representatives of the faith-based coalitions with impunity.

¹² Last-minute leadership with the town council came from the planning commission chair, who had experienced a recent epiphany on the issue. For several years she had had a housekeeper come out from Camden weekly and had come to like her. Ms. Haddonfield asked Ms. Camden what she could do to help her. “You know what you could really do to help me?” replied Ms. Camden. “Help me move to Haddonfield so that I can put my son in your good schools.”

The pervasive presence of RCAs was evident when the Ford Foundation officials toured the Camden area in January 2005. The group stopped at George Fine Elementary School where former Pennsauken Mayor Rick Taylor is the principal. Mayor Taylor recounted how he had been approached that week by an “RCA broker” representing wealthy Medford Township, a wealthy, fifth-ring suburb. Medford proposed to sell Pennsauken up to half of its COAH allocation of affordable housing units through an RCA at \$25,000 per unit – a total of \$3,000,000.

Given Pennsauken’s tight fiscal situation, some council members may be tempted by the money, the mayor observed, but he personally was strongly opposed. (Mayor Taylor is a committed NJRC leader and Kevin Walsh of Fair Share Housing Center had met with the Mayor and Council and explained why RCAs were bad economic and social policy for Pennsauken.) RCAs just concentrate more affordable housing in poorer communities that already have far more than their fair share, the mayor explained to the foundation officials and that the longer-term impact would increase Pennsauken’s social and fiscal stress.

Two weeks later NJRC reported the end of the story. The five-member town council had met in executive session. Medford’s RCA broker had lobbied the Pennsauken town council hard. How are your constituents going to vote in the next election when they hear that you turned down \$3 million for the town? he threatened. Over Taylor and the new mayor’s opposition, three council members were ready to accept the RCA money.

Then the city attorney (who is also Pennsauken’s Democratic Chairman) spoke up. He had got a call today from Joe Roberts’ office that morning, he said. Assemblyman Roberts opposes RCAs, he explained, and Roberts urged Pennsauken to reject Medford’s offer.

A committeeman changed his vote to oppose the RCAs. He did so, he explained, because of the growing opposition to RCAs among Pennsauken residents and churches. The organizing done by St. Stephens and Pennsauken’s Stable Integration Governing Board (another coalition member) ensured a large crowd would oppose the proposed transfer of housing obligation. The committeeman also said he would feel uncomfortable asking for a favor three months later if he didn’t support Majority Leader Roberts on this issue.

The town council voted to reject Medford’s devil’s bargain.

Epilogue

Months passed as now-Speaker of the Assembly Joe Roberts looked to NJRC and its allies to build support for repealing RCAs and clear away opposition around the state. Every bishop called for the law's repeal (many publicly branding RCAs "immoral"). Major daily newspapers editorialized in favor of repeal.¹³ Other towns, such as Montclair and Maplewood, followed Pennsauken's lead in passing resolutions opposing RCAs.

Anti-RCA rallies grew larger. NJRC-organized meetings within legislative districts regularly drew 200 to 300 local voters calling for a ban on RCAs. In November 2006, 1,500 NJRC members and allies from all over the state packed the venerable St. Nicholas of Tolentine Roman Catholic Church, demanding RCA repeal. Two months later, Speaker Roberts formally introduced A-3857, a bill to entirely repeal the RCA system, and a companion bill was quickly introduced in the Senate.

A clear hurdle to overcome was the public position of the urban mayors. As two of the three biggest "users" of RCAs, Newark and Trenton were clearly hooked. After long-time Newark Mayor Sharpe James retired in 2006 rather than face a second challenge from young reformer Corey Booker, Trenton Mayor Doug Palmer became the most vocal urban mayor supporting RCAs. His support gave the wealthy white suburban RCA "pushers" some vital moral high ground to hide behind. Turning Mayor Palmer around was essential.

NJRC strategized around the mayor's self-interest. NJRC leaders from Trenton, especially Marty Johnson and the mayor's pastor, Rev. Daryl Armstrong, were long term allies of the Mayor. They worked for months to find common ground with Mayor Palmer – sometimes through very difficult negotiations.¹⁴ After protracted discussions, Palmer agreed to end his

¹³ Typical was the position of *The Star-Ledger*, the state's biggest newspaper: "Regional contribution agreements ought to be eliminated.... It is time to make all communities confront their obligation to help with affordable housing needs and get creative in finding solutions" ("A Spur to Affordable Housing," January 11, 2008)

¹⁴ At one point, the NJRC had to threaten to bring priests and ministers to Washington, DC banquet where Palmer was being installed as president of the U.S. Conference of Mayors; they would hand out flyers, urging his fellow mayors to encourage Palmer to change his position on RCAs.

advocacy of RCAs. His only interest, he said, was to replace future RCA monies with an alternate revenue source to continue housing rehabilitation and new construction within Trenton.¹⁵

Meanwhile, with Kevin Walsh and Adam Gordon as principal litigators, Fair Share Housing Center (FSHC), NJRC's primary ally, was racking up a string of impressive court victories. Most decisive was getting the court to throw out COAH's Third Round rules for Fair Housing Act compliance. "Incomprehensible," the court ruled, giving COAH six months to come up with new regulations and freezing approval of all pending RCAs, effectively shutting down the system after wealthy suburbs had forked over \$210 million to sell off 10,256 units of their constitutional obligation to build affordable housing.

Just four months later, the court invalidated the rules of another state agency, the New Jersey Meadowlands Commission, which had argued that because it had the power to supersede municipal zoning in a 30-square mile area just five miles from midtown Manhattan, it need not adhere to affordable housing requirements. But the court said that the law applied to the Meadowlands, too, and required the Meadowlands to provide what will likely end up to be at least 4,000 new affordable homes.

The controversy surrounding state policies' being rejected decisively by the courts in three suits brought by FSHC plus grassroots pressure from NJRC helped convince Governor Corzine to change state housing czars, replacing a long-time antagonist with a much more favorable Commissioner of the Department of Community Affairs. The change in leadership was evident when COAH unveiled its revised Third Round rules in December 2007. The mandated set-aside for affordable housing was boosted from 10 percent to 20 percent of all new housing construction (as NJRC and allies had urged) and an additional new affordable unit must be provided for every 16 new jobs rather than every 25 new jobs previously (short of 1 for every five, NJRC's goal, but still an improvement). Overall Third Round housing need targets had been doubled over the previous proposal. However, with the state law still on the books, the hated RCAs would still be countenanced

¹⁵ Shortly, thereafter, in July 2007, Mayor Palmer turned back a proposed \$3.25 million RCA from Hopewell Township, to which a Trenton hospital was relocating. The born-again mayor denied that the move was a form of reprisal against Hopewell for the loss of the hospital. "This is not a way of sticking it to them. It's reality," he said. "They will need to build affordable housing with 1,500 jobs (moving from the city to the township). Quite frankly, they're going to need it."

(though COAH boosted the going price from \$35,000 to \$70,000).
Litigation continued; despite substantial progress, the proposed regulations contained other major flaws.

By Fall 2007, Speaker Roberts unveiled his comprehensive housing reform plan with the co-sponsorship of now-Majority Leader Bonnie Watson Coleman. Their proposals were a measure of how powerful and influential the New Jersey Regional Coalition (NJRC), the Fair Share Housing Center (FSHC), and their allies had become. The Assembly leaders' 12-point legislation proposed to

- eliminate Regional Contribution Agreements (RCAs) – the primary goal of NJRC's four-year campaign;
- require a 20% set-aside for workforce housing in all state-aided developments – an NJRC/FSHC policy;
- establish new school funding formula that provides special state funds for low-income children anywhere – an NJRC proposed revision for state school aid;
- allow federal Low Income Housing Tax Credits (LIHTC) to be used in mixed-income, market rate developments in low poverty/high opportunity towns – an NJRC-supported/FSHC-litigated policy;
- set-aside 25% of affordable units for extremely low-income families (less than 30% Area Median Income) – an NJRC/FSHC policy;
- require towns to spend municipal housing trust fund dollars on affordable housing within their borders – a FSHC policy;
- mandate that municipalities provide density bonuses to developers constructing inclusionary developments – an NJRC/Rusk-championed policy;
- require COAH to *document* existing affordable housing units it claims when allocating a town's fair share goal – an FSHC-litigated issue (successfully; state court threw out current state allocation formula, calling it "incomprehensible);
- and four other provisions not specifically part of the NJRC/FSHC agenda (create state affordable housing trust fund; require one-for-one replacement of affordable housing lost through redevelopment; create a state Comprehensive

Housing Plan; and require COAH to publish affordable housing statistics annually).

The Assembly Committee on Housing and Local Government held first-ever hearings on RCA repeal in December 2007. At committee staff behest, NJRC Housing Task Force chair Paul Bellan-Boyer stage-managed supporters' presentations. The hearings emphasized the strength and breadth of anti-RCA forces. As Bellan-Boyer summarized afterwards,

We helped arrange the coordinated testimony of three mayors, four nationally-recognized policy experts,¹⁶ three powerful statewide religious leaders, four advocacy organizations, four community groups, two union leaders, one housing developer, and a leader of the historic civil rights struggle, C.T. Vivian. (We had the partridge in a pear tree ready, but thought this would have just been overkill!)

It is apparent to me that RCAs cannot stand much longer. We have changed the debate over this policy. We have exposed them as a moral and policy disaster. And we have changed the balance of power on this issue, through our organizing and persistent effort over the past three years. The opposition is in disarray. We have the support of powerful allies. And, working with Speaker Joe Roberts and the Assembly Majority leadership, we have brought this issue to the front of the state's agenda.

The fight is not over. The forces that think they profit from this segregation will continue to resist reform. Some of the legislators will change with the new session in January. There will be squabbles over how to fund RCA replacement money. The Senate has yet to take any action on this reform.

Yet our own testimony, given by Pr. David Thornton and Rohn Hein, reminded us and the rest of New Jersey that evil cannot long stand when light is turned upon it. I claim no gift of prophecy when I say that victory will be ours, by the grace of God and through your continued faithful support and hard work.

Bellan-Boyer's optimism was instantly rewarded on one key front. Urged on by Governor Corzine, Speaker Roberts, and Senate President Richard Codey, the legislature took up a total revision of the state school aid formula in the lame duck session. The basic reform had been formulated by NJRC with the support of Myron Orfield and his Ameregis analysts. Its principles had been emphasized at NJRC's two major, statewide rallies (gaining public commitments from legislative leadership). NJRC had laid

¹⁶ Rusk was the lead public witness and Orfield teleconferenced in from Minneapolis.

out the school funding proposal at ten forums in legislative districts (attracting 100 to 300 constituents each time). At the legislative leadership's request, Orfield and Rohn Hein, NJRC's Tax Reform Task Force chair, had presented the reform formula to a key legislative committee and to the administration's top education officials.

In recent years, by court-order, the lion's share of state education aid had flowed previously to 31 high-poverty *Abbott* districts. Now, with an infusion of \$450 million in additional state funds, state aid was proposed to flow to all school districts in proportion to their number of low-income students and their relative tax capacity. The consequences would be revolutionary.

- the 31 *Abbott* districts would be “held harmless” financially for three years (Despite per pupil expenditures that averaged one-third higher than the rest of the state's school districts, with such high concentrations of low-income pupils, academic improvement in *Abbott* schools was insignificant.);
- hard-pressed inner-suburban school districts, with steadily rising numbers of low-income students and shrinking tax bases, would receive significant state funds, both boosting school resources and allowing modest tax relief; and
- wealthy, outer-suburban towns would be deprived of their “fiscal zoning” defense against meeting their affordable housing obligations (“We can't afford to educate low-income children”). Now, the money would come with the kid.

The battle over school aid was a cliffhanger. The governor, Assembly speaker, and Senate president drove the legislative process hard. NJRC was the only community group unambiguous in its support. A panel of NJRC leaders – Hein, Bellan-Boyer, Ben Coates, Dianne Brake (of PlanSmartNJ) – acted as the lead public witnesses. Orfield again teleconferenced in his testimony. With the lame duck session required to end by Tuesday, January 8 at 12 noon, the Senate approved the Assembly-passed bill by a one-vote margin around 12 midnight on Monday.

When asked how much of his/NJRC's proposed formula ultimately made it into law, with a broad grin, Orfield replied “About 85 percent.” The school funding reform, Rusk briefed the Ford Foundation, “is a huge victory for NJRC ... the most significant victory yet achieved in our regional opportunity campaigns anywhere, reshaping \$7.8 billion a year in state school aid.”

From a successful blitzkrieg for school funding reform, NJRC reverted to trench warfare over the full housing reform package. Opposition had been reduced to the New Jersey League of Municipalities (doing the bidding of its dominant, wealthy suburban members), and legislators from RCA “sending” districts, but it was still a potent combination.

At the start of the new 2008 legislative session, Speaker Roberts reintroduced a new version of the RCA repeal bill. After weeks of tough battling, on June 16, by vote of 45 to 33 in the Assembly and, on June 23, by 21 to 16 in the Senate, the New Jersey Legislature repealed the “odious and exploitative” Regional Contribution Agreements.

Thirty-three years after the court’s decision, twenty-three years after the legislature created the giant RCA loophole, and five years after NJRC began its campaign to repeal RCAs, the State of New Jersey had finally been brought to adopt housing and school policies to achieve the vision of the historic *Mt. Laurel* suit – an economically and racially integrated society.

[6,741 words plus 903 words in footnotes]

Chapter Five – Reconciliation

Let me begin with two parables. Both come from conservative “red” states and involve victories in legislatures won by a multiracial coalition that included Republicans. The first concerns diversity in higher education and a coalition that won new benefits for a rainbow of previously excluded students. In the second, a coalition succeeded in stopping a bill from passing that would have harmed a politically weak minority and damaged the state economy. Both stories suggest a path to racial reconciliation for our nation.

The Texas Ten Percent Plan

Texas adopted a new law in 1997 after the U.S. Court of Appeals banned race-based affirmative action in the *Hopwood* case, brought by four white applicants who were denied admission to the University of Texas School of Law.¹ The law guarantees admission to the public colleges and universities of Texas to graduating seniors in the top 10% of every high school in the state. The program was developed by a group of Latino and black activists, legislators, and academics, passed in the Texas legislature by one vote, after a conservative Republican rural member whose constituents were not regularly being admitted to the University of Texas decided to support the legislation.² As predicted, the plan increased minority enrollments and that of rural white students at the flagship public universities in the state.³ Those students who gain entrance under the plan do so by class rank, not standardized tests or extracurricular activities that they may not have time or money to afford. The program has repaired one shred in Texas' social contract, forcing the same kind of trade-offs that robustly diverse private institutions like Rice University make in order to enrich their racial, geographic, and socioeconomic demographics.

The Ten Percent Plan ameliorates the effects of separate and unequal K-12 education by admitting high achievers from all places from which they apply. The law ended the dominance of a small number of wealthy high schools in UT admissions. And it changed the college-going behavior of high achievers in remote places that had never bothered to apply to UT Austin before. According to one study, before the law was passed only 59 high schools accounted for half of UT's freshman class among the 1500 high schools in the state. By 2006 that number had nearly doubled. The impact was pronounced at UT Austin. Between 1996 and 2007, the number of feeder high schools to the flagship campus rose from 674 to more than 900. Researchers found that these new high schools were more likely to have large concentrations of minority students and poor white students and to be in rural areas or small towns and cities. They also found that once a high school experienced success in sending a student to the flagship they continued to do so. The researchers surmised that one reason for the success in increasing applications from new places was that the ten-percent law made transparent a previously opaque and unknown UT admission policy of accepting most students in the top 10% of their class.⁴

In other words, the ten-percent law had the same effect as the tailored brochure that researchers Hoxby and Avery sent to high achievers in overlooked places. And the same effect Questbridge has in eliminating confusion about the financial aid process by simply offering a full scholarship to low-income high achievers. All of these interventions helped

high achievers from low opportunity places understand that they could compete and access better opportunities.

The ten-percent plan has produced other important benefits. In addition to spawning similar laws in California and Florida, studies have shown that “Ten Percenters” outperform all other admitted students on all measures. Typically they have lower attrition rates, graduate in shorter time periods and have better grades.⁵ The end result is that affluent people concentrated in resource-rich school districts can no longer hoard an important public resource – the University of Texas – that is subsidized by all Texas taxpayers. And, the plan has improved the quality and breadth of the pipeline to higher education in the state. One researcher found that the plan stimulated college-going behavior at schools that had weak college traditions. Student enrollment in advanced courses and attendance rates surged at high schools across the state after the plan was enacted. A state-sponsored scholarship program that targeted students at disadvantaged high schools to attend UT and Texas A&M deepened these trends.⁶ These interventions on behalf of students in disadvantaged districts likely would not have been created had the *Hopwood* ban not propelled the state to innovate.

Critics of the Ten Percent plan point to the fact that it has caused some strategic behavior. One study found that as many as 25% of students intentionally choose a different high school in order to improve chances of being in the top 10%. Such strategic students tend to opt for a neighborhood high school instead of a more competitive magnet school.⁷ I view this as salutary. It means that neighborhood schools are becoming more viable to more children; that college knowledge is being spread around because the most motivated students are not isolated in bastions of advantage.

Despite this public policy success, parents in wealthy school attendance zones have repeatedly attacked the plan as unfair to highly qualified children in challenging schools that fall into the 11% or lower rank. After all, their kids are in a pressure cooker. In many cases, they have higher standardized test scores and have taken more AP classes than Ten Percenters from less advantaged schools. Parents raised their voices and their representatives in the state legislature tried repeatedly to amend or repeal the plan. The coalition backing the law has succeeded in thwarting those attempts for a decade. In the Texas House of Representatives, white Republicans from rural districts, blacks, and Latinos strongly support the existing program. They agreed to one amendment in 2009 whereby only UT Austin received some flexibility. That flagship campus can now limit Ten Percenters to 75% of its entering class, although it had sought a cap of 50%.

Republican Dan Branch of Dallas and Democrat Mike Villarreal of San Antonio brokered this compromise. The end result of a temporary ban on affirmative action in the late 1990s is a successful public policy that enhances opportunity across the state and a more cohesive politics -- at least on the issue of access to public higher education in Texas. Members of a state legislature that rivals Washington D.C. for political gridlock have forged an enduring coalition for access that upsets the usual disproportionate influence of affluent suburbs on the state legislature.⁸

Mississippi Immigrant Rights Alliance: "Blacks + Migrants + Unions = Power"

In 2012, an anti-immigrant bill akin to those enacted in Arizona, Alabama, Georgia, and South Carolina, was defeated in Mississippi. Like others crafted by the American Legislative Exchange Council, this bill was designed to make undocumented immigrants so miserable that they would voluntarily leave the state. Supporters of the bill thought they would succeed because Republicans had taken control of both houses of the legislature in the November 2011 elections, for the first time since Reconstruction. In the same elections, Tea-Party-backed Republican Phil Bryant was swept into the governor's mansion on a staunch anti-immigrant platform. The state Legislative Black Caucus kicked into action. In the previous decade it had defeated over 200 anti-immigrant bills. But these black Democrats were no longer part of the controlling majority and therefore didn't command committee chairs that had enabled them to defeat many measures. Instead, they used their voices to illustrate the ugliness of HB 488. "We forced a great debate in the house, until 1:30 in the morning," said the Caucus leader Jim Evans to a writer for *The Nation*.⁹

Among its more odious provisions, HB 488 required law enforcement to verify the immigration status of people they arrested, inviting racial profiling. And schools would be required to report the immigration status of their students. Some black caucus members who had never weighed in on immigration spoke out against this attempted "ethnic cleansing." Many white legislators also rose to speak against the bill.¹⁰ The lock-step ideologies that propelled anti-immigrant measures in Georgia, Alabama, and South Carolina did not prevail in Mississippi because opponents in this particular Deep South state had organized.

Bill Chandler is the kind of culturally dexterous person that white supremacists invented Jim Crow laws for. Racial categories and racial hierarchy were created in America not just to justify racial subordination but also to separate "dangerous" whites from the people of color they might ally with.¹¹ Chandler is a white man, married to a black woman, who saw the need for an immigrants' rights organization to help undocumented Latinos in his state. He founded the Mississippi Immigrant Rights Alliance (MIRA) in 2000 because he was disturbed by police raids on immigrant homes and roadblocks to capture undocumented people in and around Jackson.¹²

Chandler and other leaders of MIRA calculated that blacks comprising 37% of the state population, plus the citizen-children of undocumented Latinos who were beginning to register to vote, plus union members would create a powerful political coalition. "We wouldn't have had a chance against [HB 488] without 12 years of organizing work," explained Representative Evans to *The Nation*. Evans, who serves on MIRA's board, continued: "We worked on the conscience of people night and day, and built coalition after coalition. Over time, people have come around. The way people think about immigration in Mississippi today is nothing like the way they thought when we started."¹³

MIRA began in 2000 by organizing in workplaces with significant shares of both Latino and black workers so that both groups would benefit. Chandler, his wife, L. Patricia

Ice, and Evans held community forums in neighborhoods and tried to dispel the myth that immigrants would take away jobs from black folks.¹⁴ They reached out to black state legislators for support, resisting the temptation to seek help from existing white allies because they knew they needed to do the hard work of building trust between black and brown people. They organized an annual "Unity Conference" to connect traditional black civil rights activists with organizers in the labor and immigrant communities. They put black civil rights activists and union officials on MIRA's board.¹⁵

The unions organizing in poultry plants, casinos, and factories where immigrant workers toiled were sympathetic to MIRA's agenda. While blacks, immigrants, and unions coalesced as core members of MIRA, employers were also tactical allies in defeating HB 488. Undocumented workers wanted to keep their jobs just as much as employers wanted them to work. When HB 488 was being debated, local union units – food workers, catfish workers, electricians – sent members of all colors to the Capitol grounds in Jackson to protest. A congeries of church denominations, synagogues *and* mosques, sent their flocks. MIRA's decade of organizing and outreach culminated in a chorus of voices against tyranny born of fear, filling the halls of the Capitol.¹⁶

This swell of opposition made it easier for a conservative Republican to buck Tea Party orthodoxy. Lieutenant Governor Tate Reeves appointed rural Democrat Hob Bryan to chair the Senate Judiciary committee to which he would assign HB 488. The bill died when Bryan chose not to bring it up for a vote. Reeves issued a statement saying that he "respects the fact that the chairman listened to the concerns expressed by the Mississippi economic Council, Farm Bureau, the Mississippi poultry Association, and local cities, counties, police chiefs and sheriffs, about the impact of this bill on taxpayers."¹⁷ Groups representing local government and law enforcement had sent a letter to legislators calling the law an "unfunded mandate" and decrying the cost to taxpayers of housing undocumented immigrants in local jails. It helped to see the dire effect neighboring Alabama's law had on its economy. This coalescing of strange bedfellows spared Mississippi further damage to its image, costly legal fees, dead crops and lost business and tourist investment. Suddenly, the Magnolia State, the place that produces great writers and great blues could also be an exemplar -- believe it or not -- for racial reconciliation.

MIRA has remained vigilant in opposing anti-immigrant measures in the state. The coalition has also attacked voter ID measures, all racial profiling, and the War on Drugs. Says Chandler of these efforts: "We need political alliances that mean something in the long term – permanent alliances, and a strategy for winning political power. That includes targeted voter registration that focuses on specific towns, neighborhoods and precincts."¹⁸ MIRA uses these issues to engage citizens beyond just voting. It teaches people how to lobby their representatives, and influence the legislative process.

As a new legislative session began, MIRA sponsored Civic Engagement Day in Jackson. Ordinary folks received an orientation about the legislative session and walked together to the capitol, held a news conference, and met with their legislators. They made it clear they wanted "No Arizona/Alabama style bill or any other anti-immigrant or racial profiling legislation in Mississippi!"¹⁹ As they exercised basic rights of citizenship, not only to vote

but also to agitate, they also gathered power. Frederick Douglass and Alexis de Tocqueville would have been proud.

A MIRA newsletter explained the purpose of Civic Engagement Day and in doing so revealed its theory for building multiracial alliances. The newsletter said of the anti-immigrant laws passed in other states:

"[They] violate our national values and national interests as well as our Constitution. They divide workers, promote racial profiling and deny equal justice. They are bad for business and our economic recovery, as similar laws enacted in other Southern states have bankrupted farmers and manufacturers and driven away corporations looking to locate there. They divert precious law enforcement resources away from public safety. They embolden white supremacists, as hate crimes against immigrants, and people of color are on the rise."

In other words, MIRA speaks to common values and common harms.

The Theory and Practice of Multiracial Alliance

Stokely Carmichael upset many whites and more than a few traditional civil rights leaders when he popularized the phrase Black Power in 1966. In a seminal book of the same name, he and political scientist Charles Hamilton wrote of coalition politics: "[W]e believe that political relations are based on self-interest.... Politics results from a conflict of interests, not of consciences."²⁰ Pioneering organizer Saul Alinsky also insisted that the only basis on which long-term stable organizations could be built was to found them on the self-interest of their participants.²¹

Alinsky founded the Industrial Areas Foundation (IAF) and IAF affiliates follow the same principles. In more than twenty states, its 57 affiliates have organized local coalitions of institutions, usually churches, but also unions, education associations, and other groups. By focusing on institutions, IAF tries to avoid the ebb and flow of members that occurs when organizing people, since people get tired, move, or die. Institutions are more stable, and provide a consistent, larger base of financial and human support. IAF affiliates also draw from all racial, ethnic, and income groups in their respective metro regions. They also give poor and working class people a real voice, training them to be leaders for their community. IAF affiliates tend to focus on practical solutions for community problems: issues that cut across potential racial divides, often involving schools, housing, youth, daycare, or transportation. Like Alinsky, IAF leaders frankly accept self-interest as the driving motivation for all parties involved in politics. Hence, IAF teaches its members how to identify self-interest and use it strategically. As a result IAF affiliates often alter the political status quo and move policymakers to a better, usually more progressive course.²²

Dallas Area Interfaith (DAI) is a prime example. Started by a group of black, white, and Latino ministers and local leaders, it transcends negative racial stereotypes by organizing around people's interests. By challenging the way certain public officials had been exploiting racial divisions, DAI was responsible for getting the city of Dallas as well as

Dallas Independent School District to create, and later increase, funding for afterschool programs throughout the school district. At the time, white and Latino members of the board operated as a voting block that frequently opposed what black members of the board wanted. DAI persuaded Latinos on the board to ally with black board members to support afterschool programs that white members had traditionally opposed but black and Latino kids desperately needed. After building trust among board members with this initial victory, DAI proceeded to transcend Dallas's "troubled racial politics" by organizing thousands of people to attend rallies and a hearing in support of a bond initiative that had been stymied. With the groundswell of support created by DAI, sponsors were able to raise the bond amount from \$900 million to \$1.4 billion. It passed overwhelmingly in part because of DAI's get-out-the-vote campaign in the Hispanic community.

More recently, DAI mounted a vigorous petition drive and lobbying campaign to try to persuade the Texas legislature and Governor Rick Perry to accept federal funds offered under the Affordable Care Act to expand Medicaid coverage to working poor folks. Nearly one quarter of Texans do not have health insurance, the highest rate in the nation.²³ DAI members of all faiths and colors descended on the Capitol in Austin no fewer than seven times. They found some common ground with a Republican doctor in the House of Representatives. Dr. John Zerwas' compromise proposal did not win favor with Perry and archconservatives. Sometimes an activist's only victory is in mounting the fight. DAI did force a very public debate on Perry's decision to forgo \$100 billion federal dollars over a decade that would have expanded coverage to more than 1.5 million working but struggling Texans.

Noted sociologist William J. Wilson is enamored of IAF and has argued that national multiracial coalitions could shift national policy into a permanent progressivism.²⁴ The IAF avoids direct discussion of race, preferring to focus on race-neutral issues and engage constituents based upon self-interest. It is effective in that local affiliates have brought about thousands of community improvements.²⁵ But arguments about self-interest are almost irrelevant to opponents of Obamacare. The obsessions that lead Republicans in the national House of Representatives to shut down the federal government in a bid to defund the law or that motivate Texas leaders to turn down free money are ideological and counter to objective facts about how the law reduces health care costs or what is in Texas' fiscal and economic interest.²⁶ As I discussed previously, social psychologists link much opposition to healthcare expansion to high levels of racial resentment. Again, I am not saying that opponents are racist but that racial resentments and gaps of perception about who benefits from government programs animate current political divides.

Academics and policy wonks debate whether avoiding race is a good idea when trying to build inter-racial trust. Wilson argues, for example, that the proper strategy is not to avoid racially charged issues, like affirmative action, but to reframe it as a program benefiting all races.²⁷ This is similar to the work of Lani Guinier and Gerald Torres. They argued in the *Minor's Canary* that race, or the condition of the most marginalized racial minority, should be used as a diagnostic for understanding how some social systems harm everyone.²⁸

Recent evidence from social psychology suggests why these strategies aren't likely to succeed. As I discussed in Chapter One, many white people believe blacks have only themselves to blame for not getting ahead. In the age of Obama, a majority of whites believe that we have achieved our racially egalitarian ideals at their expense. In an era of rising white resentment, where most people harbor negative racial stereotypes about African Americans, these biases often stymie common sense public policies. Failing to recognize and directly counter these biases and perception gaps, then, will likely result in failure to garner a majority consensus, particularly on policies designed to reduce inequality.²⁹

The most successful multiracial coalitions mirror academic and social science research about what works in breaking down barriers of race. A message and program that taps into and reinforces most people's identity as non-racist is more likely to succeed.³⁰ John Powell, who intentionally spells his name in lower case, and Rachel Godsil, -- distinguished legal scholars and careful observers of race relations -- underscore the power of widely-shared fundamental values of anti-discrimination and racial equality. "To allow people to maintain a self-concept as egalitarian—but to challenge behavior and structural conditions that are inconsistent with those values—is the only route to progress," they argue.³¹

Processes and structures can be accurately described as racialized without suggesting that *only* people of color suffer the harms of these processes.³² Actually most non-affluent Americans suffer the harms of racialized structures, including the challenge of accessing quality schooling and affordable housing, long commutes, the foreclosure crisis, the costs and consequences of mass incarceration, and gridlocked politics.³³ I am not arguing that race doesn't matter, as do advocates of colorblindness, or that race should be avoided for strategic reasons, as have some scholars.³⁴ I am arguing, based upon insights from social psychology, for much more care and intention at building alliances that transcend boundaries of racial identity.

Sometimes race must be discussed to build trust and form an agenda that is meaningful. When people are told that race may be salient, without language that suggests that *they* are racist, they often attempt to conform to their egalitarian views. In studies of juries, for example, when issues of race are present, white jurors tend to treat black defendants more harshly than non-blacks. However, when white jurors are explicitly told about these risks, they treat black and white defendants equally.³⁵

"Racism" may be the right word to use to describe a situation but often it is sloppy overkill. Even if it is accurate as a descriptive matter, if building multiracial power is the goal, there are better ways to engage. Powell and Godsil now use phrases like "structural barriers," "structural racialization," or "structural marginalization" where they might have used "institutional racism" in the past.³⁶ Consciously or not, a white person may hear the word "racist" or "racism" as an accusation against them individually. Language matters. One can talk about the harm of systems and separate that from the individuals who must figure out how to make their way within these systems.

Social psychologists find that many whites are quite concerned that they will be "rejected by out group members."³⁷ Feel white people's pain for a moment. In interracial

settings they have to be so careful. Anything they say about race can and will be used against them if they err and say something that offends. They don't have permission to be merely ignorant or inexperienced on a subject. Their worst fear is that they will be perceived as a racist. The path of least resistance for them is to avoid race altogether. So if you want them to join your coalition you have to reach out, invite them, and create a context and vocabulary in which they and you can work on something together that advances shared values.

Another reason organizing around common values and common harms is likely to be more effective than organizing around racial identity is that identity is fluid. A person can have multiple identities with one becoming more salient depending on the context. When I drop my kids off at school, I am a mother. Most salient as I say goodbye is the love and joy that courses through me when that identity is primed. Race is tangential to that identity until the context changes or something triggers the mother-of-black-boys aspect of this identity. Woman, mom, wife, black woman, Christian, writer—the identity strain that becomes most salient depends on where I am and what I am doing. Everyone has conscious or subconscious senses of in-groups to which they belong and out-groups to which they don't. Race will often be an inaccurate marker of what someone's perceived interest or values are in a given situation.

Whatever identities individuals perform, we need to transcend, to create new collective identities. To succeed, a coalition must incorporate some people who are not already with you -- emphasis on some, not all. Coalition building is about getting to 55% or whatever number produces a win. At the local and state level sometimes a bare majority will do, unlike in Congress with supermajority requirements to overcome a filibuster in the Senate or Tea-Party bluster in the House. But in fractured America, if a coalition does not include some strange bedfellows, it is unlikely to succeed. The perception gap is too wide and too easy for deep pockets to exploit. Opponents of the common good now spend more money targeting and ousting incumbent Republicans who compromise than they do attacking Democrats.³⁸ In this environment, our only hope for promoting fairness and the common good is to reach the hearts and minds of more voters.

Building One America, Building One New Jersey

Organizations like the Gamaliel Foundation and Building One America (BOA), which teach people how to build strong multiracial coalitions where they live, ones that can win state and local policy battles, do not shirk from discussing racial issues.³⁹ Building One New Jersey (formerly the New Jersey Regional Coalition), a BOA affiliate, is a statewide, grass roots coalition of local officials, faith leaders and engaged citizens. They are committed to equity and inclusion and have won victories in the state legislature to protect fair-share affordable housing and equitable school financing. On the fraught issue of blocking affluent suburbs from contracting out of their legal affordable housing obligations through Regional Contribution Agreements (RCAs), Building One New Jersey never backed away from discussing race. Instead, it used race as a weapon, branding "the system" and never individuals as promoting and perpetuating segregation while offering an alternative vision of diverse, stable communities that could be model cities and suburbs.⁴⁰

Paul Scully, executive director of Building One America and former director of Building One New Jersey (BONJ), shared a story with me about how transformative discussions of race can be. This tale is about Jim, a working class guy, a barber, who was active in the local Democratic Party and in St. Jude Catholic Church in his town, Gloucester Township. The Township is at the far south east end of Camden County, about 20 minutes from Camden and Philadelphia. It is a classic blue-collar, white-flight community, largely populated by South Philly Italians, Irish, Germans and Eastern Europeans who "escaped" their old neighborhoods decades ago. Over the years it became much more diverse as urban movers of color also sought their suburban dreams.

Jim was floored when he heard Rick Taylor, then the African-American mayor of Pennsauken, a neighboring suburb, speak at a BONJ event. Taylor talked about how he was actively recruiting whites to stay in or move to Pennsauken to try to maintain stable integration. Pennsauken was racially mixed but at risk of re-segregating. Jim saw similar challenges for Gloucester Township and began to pester BONJ to bring Mayor Taylor to speak at his church. About 200 people turned out to hear Taylor give the same frank talk about race, integration and community stability.

For Jim it was a revelation. "You mean we get to talk aloud about race and how blacks and Hispanics are moving in and whites are moving out and how we have a couple of bad places with too much section 8?" he said to Scully. Scully told Jim that he should be very proud that Gloucester reflected almost exactly the demographics of the state not just in terms of race but also the mix of income earners, the variety of types of housing stock -- rental apartments and detached houses, renters and homeowners. In every way Gloucester Township was prototypical. "Congratulations on having one of the most racially and economically diverse communities in the state," Scully said to Jim, "now what is your town's plan for keeping it that way"?

No one had ever thought, let alone talked about Gloucester Township this way. It is not Montclair or Maplewood -- tonier New Jersey suburbs with a reputation for racial integration among the higher income people who can afford to live there. BONJ and Rick Taylor had given Jim a vocabulary for speaking forthrightly about how rapid racial change and pockets of concentrated poverty were undermining and destabilizing his town and schools--issues that the town never talked about publicly because there was no common language for discussing it. After Taylor's talk, Jim and others in attendance were energized. They built a multiracial, bipartisan base in Gloucester Township and recruited the town's Republican mayor, Cindy Rau-Hatton, who became one of BONJ's most important public champions in the statewide fight to stop RCAs.

In part because of Rick Taylor's leadership, Pennsauken had decided to turn down a \$3 million RCA payment from an affluent suburb because it concluded that it was unfair and fiscally unwise to concentrate more affordable in their town when a job-rich suburb was not taking on its fair share. Mayor Rau-Hatton agreed and had similar concerns for Gloucester Township. She testified before the state legislature and at press conferences along with black leaders from across the state about the evils of RCAs and their

destabilizing impact on diverse communities. "The time has come for all municipalities to provide housing for low- and moderate-income citizens," she said. "It can only make our communities economically and socially balanced, and provide fair and equal opportunities for all residents."⁴¹ "Say No to Evil! Ask Jon Corzine to take a stand against Jim Crow in New Jersey" read BONJ's more pointed flyer, cueing widely held values against racial injustice.

Scully said that for Jim, Mayor Rau-Hatton and other whites in their coalition, this fight was one of the most moving, revelatory experiences of their lives. Once they understood how their interests and values were being undermined by racialized structures, they were eager to join a multiracial coalition for regional fairness. BONJ helped spread this understanding through objective, geographically-mapped data. Ultimately BONJ was successful in defeating RCA's in the legislature. Scully says that Gloucester Township's involvement was decisive in helping BONJ to win. It is one of the largest towns in the state and was not only middle- and working-class and racially diverse but also politically mixed in one of the most competitive legislative districts in the state.

Bringing Gloucester into the BONJ fold was part of Scully's theory of "fault-line" organizing. He had paid attention to the work of Myron Orfield, a national expert on metropolitan politics and equity, who had analyzed the relationship between political volatility and racial change. Orfield found that diverse suburbs were often the swing districts that decided the outcomes of state and national elections and determined which party would control the state legislature.⁴² BONJ invested heavily in Gloucester Township and some other fault-line places across the state where they were able to turn what others might have seen as a disadvantage of racial change to an advantage, claiming diversity as a positive and helping communities to value it and work at maintaining it.

The Hard Issue

America desperately needs this work. A large majority of people say, in the abstract, that they would prefer to live in politically, racially and socioeconomically diverse communities.⁴³ However, even in liberal, Obama-leaning, racially diverse communities, those that actually live with diversity express considerable ambivalence about it. And because of this ambivalence, typically people living in diverse communities do not undertake significant steps as a community to maintain diversity.⁴⁴ Robert Putnam, renowned professor of public policy at Harvard and author of *Bowling Alone* has found that people living in diverse communities tend to retreat from civic engagement.⁴⁵ Every place where racial change is occurring must confront this ambivalence. Doing nothing, not talking about and addressing racial diversity openly means ambivalence and instability will likely prevail. In rapidly diversifying America, doing nothing also means that social mobility will continue to erode because civic engagement and the strong public schools such engagement fosters seem to be critical ingredients to making a place or region an engine of mobility.⁴⁶

This project of multiracial nation building is difficult. Like a marriage, it requires work, compromise, negotiation, and a degree of consensus that will only come about with intentional effort. What we have now is a prevailing subtext of anxiety about race and racial change and a politics set against compromise.

Not enough progressive groups do this intentional work. Advocates of economic fairness and racial justice often don't confront squarely what must be done to create a politics that might lead to more fairness. Demographic change will help. Voter registration drives will help. But only reconciliation, direct attempts to ally with reachable whites that hew Republican will create a true politics of fairness. MIRA advanced its cause by being clear about who "the true villains" were, "the less visible forces undermining economic security for all low-wage workers."⁴⁷ They work overtime at getting people of different skin colors to recognize that they are struggling against the same forces, even as they are impacted in different ways, that their beef is not and should not be with each other. That message has to be the basis of unrelenting outreach that continues, year in and year out.

Another key to the victories of MIRA, the Ten-Percent Coalition, and BONJ was that their causes tapped into universal values of fairness, like the civil rights movement itself. In his letter from a Birmingham jail, Dr. King wrote of the "inescapable network of mutuality" -- the idea that injustice in Birmingham was a threat to justice everywhere else. For King segregation was not just "politically, economically and sociologically unsound," it was "morally wrong and sinful."⁴⁸ This absolute clarity about moral rightness and wrongness was critical to the success of the movement. King was a tactician who sought to arouse the conscience of a nation. The means -- nonviolence -- had to be as just as the end. It took moral imagination in 1963 to envision an integrated society premised on universal human dignity. Youth today study pre-civil-rights America and don't recognize their country. Perhaps 50 years from now, future youth will look back on America after the Great Recession, with its dream-killing stratifications and wonder how, why?

With effort, strange bedfellows can unite against unfair structural barriers even if those systems distribute burdens unevenly. White rural, white struggling suburban, black inner city, black middle class, Latino barrio, Latino middle class, Native reservation, Urban Indian, poor Asian -- all of these people are hurt by geographic concentrations of wealth and resources to different degrees and in different ways. Even affluent people living in high opportunity places suffer harms of socioeconomic stratification, although they may not connect the dots.

Getting progressive nonwhites to acknowledge white suffering will be a challenge. So much civil rights discourse leads with the fact of racial disparities even though many whites are also oppressed by plutocratic arrangements. Yet struggling whites are usually invisible in civil rights advocacy. Racial disparities exist. They are relevant for assessing progress.⁴⁹ They are not the right point of entry for multiracial coalition building because many whites hear in them an accusation of racism (i.e., it's the white man's fault) and of exclusion (i.e., my economic pain is irrelevant simply because I am white.) A language grounded in the history of racial discrimination and its legacy will no longer do. A language that acknowledges present structural barriers that people of all colors endure is critical to building power.

Just as for many people of color, systems of social mobility are not working well for working-class whites. A disproportionately large percentage of young, working class adults who, according to their test scores and grade point averages, could attend college are not

doing so or are failing to graduate. They are relegated to a life of economic struggle, and there is "a reservoir of resentment over this state waiting to be tapped by either party."⁵⁰ But growing racial complexity will make it easier for politicians and political parties to exploit racial fears of still dominant white voters, or of any voter who may harbor misgivings or worse about a different demographic group. This is the signature challenge that exploding diversity presents for American democracy in the 21st century.

Think about it. Struggling white people have few places to go with their anger and frustration. They can't celebrate their whiteness or organize around it, lest they be rendered social pariahs. The closest proxy for their economic interests has been the labor movement, which has eroded dramatically and is attacked by both the GOP and the Tea Party movement. So they gravitate to the GOP or the Tea Party or both in part I suspect because these are cultural homes where they feel valued and included. It is not surprising that progressive politics have declined as the labor movement and local machine politics have declined because it has resulted in a loss of local institutions committed to economic fairness that can mobilize people.⁵¹ In 2012, working class households with a union member were more likely to vote for Obama than those without one, researchers speculate, because unions impart facts about actual self-interest.⁵² The political movement or coalition that wins these voters must have an organization that connects with them individually.

Whites that are being shutout of the traditional Avenue to middle-class status—college--are most disgruntled and susceptible to race baiting.⁵³ This is one reason why I propose to replace race with place in affirmative action, along with other reforms to eliminate unfair structural barriers in higher education. In addition to making place a fulcrum for distributing access to higher education, place is also a good framework for organizing.

Building One America targets older suburban communities that might be described as global in their demographics.⁵⁴ Much of America's middle class now lives in diverse suburbs, which are gaining population faster than predominately white suburban enclaves.⁵⁵ African-Americans, Latinos, recent immigrants from Somalia to Singapore and middle and working-class whites who live in diverse suburbia are all seeking opportunity, to create and maintain a middle-class life. As I described in Chapter Two, some of these places contend with increasing poverty, struggling schools, aging infrastructure, and a declining tax base. Yet they tend to feature bipartisan, civil civic debate. And they have more independent voters and more competitive election districts than other places. Partisanship may have reached toxic levels in Washington, D.C. but it is still possible to create a functional regional politics for fairness and begin to create and sustain diverse local utopias.

If you want to find a white coalition partner for regional fairness, look in a place that has been ravaged by the global economy. Where factories have closed and middle class jobs have evaporated. Where schools were once very good and are struggling to stay that way after a rapid increase in poverty. Where food pantries have long lines. If you assume you can't work with blue-collar white folks or a Republican who represents them, you will

continue to lose whatever policy battle you are fighting. Find those that you can work with, that have constituents with values and problems similar to yours.

I am not writing about electoral coalitions. Although necessary, they are one-shot arrangements that tend to dissipate after the election is over and depend on the charisma of the candidate and his or her organization. I am writing about the much more important work of building a multiracial coalition that endures and holds elected officials of both political parties accountable. That returns citizens to their rightful place in democracy, not just as voters and taxpayers, but also as people willing to lobby representatives and demand to be heard. That changes politics to a better course that is responsible to the will of the people, not that of deep pockets that all too often sway outcomes.

There is nothing wrong with power, used correctly. Activists should not be shy about a goal of building political power. Call it a sanity alliance if you will. I write this not as a cheerleader for the Democratic Party but as citizen who longs for a functional democracy in which parties and politicians vigorously compete for votes from Americans of *all* colors. Democracy will have returned to America when ordinary people and the alliances that purport to represent them can make government or other relevant institutions responsive to their needs.

Fortunately demographic change and the rising cultural dexterity that occurs in spaces where no one group dominates are going to make this work easier over time. Culturally dexterous people are the least prejudiced among us. I call them ardent integrators. They move toward rather than away from difference and they accelerate the racial enlightenment of those around them, like the grandparents of biracial children. According to the first-ever National Survey of Adoptive Parents conducted by the federal government, 40 percent of adopted children are of a different race, ethnicity or culture than their adoptive parents.⁵⁶ Evidence from the Pew Research Center suggests that interracial intimacy is poised to explode in America — from dating and marriage to adoption to genuine friendship that's not of the Facebook kind.⁵⁷ Arguably, younger generations express and live more racial tolerance than do their parents because their demographic cohort is more diverse. Babies born today, America's first "majority-minority" generation, will create a multicultural milieu that Baby Boomers couldn't imagine.

This has profound implications for race relations and politics. Whites who have developed an enhanced capacity for interracial dealings are quite similar to people of color in their vision for this country. According to social psychology research, they tend to ground their perceptions about racial progress not to our success in dismantling Jim Crow but to a future ideal of full equality for all. They are apt to say in opinion polls, as do people of color, that more racial progress is needed, and they are more likely than less dexterous whites to support policies designed to promote diversity and reduce inequality.⁵⁸

Social psychologists have also demonstrated that people with friends of another racial or ethnic group tend to be less biased.⁵⁹ In blunt terms, with each passing decade, as

the ranks of culturally dexterous whites and center-left leaning citizens of color swell, it will be easier for multiracial coalitions to get to 55 percent. Ardent integrators are replacing tired scripts about race. They willingly accommodate to difference and accept that in environs where no one group dominates, negotiation, collaboration and sometimes compromise is required. With pervasive diversity, all institutions and individuals will be forced to undertake this emotional work, or risk irrelevance.

So find and join the most effective multiracial coalition in your state or community, dear reader. Or start one if it doesn't exist. Get to work on expanding its demographic reach and power. Don't be afraid to try and fail repeatedly. The activist, whether liberal or conservative, libertarian or proletarian, never gets to stop fighting for what she believes in. For now, our goal must be to unleash politics from the shackles of racial division.

Please be patient in this work. Social media cannot supplant the intensive labor it requires. When Bull Connor turned fire hoses and attack dogs on the children of Birmingham, nearly 1000 non-violent protests erupted in over 100 southern cities, resulting in over 20,000 arrests. While the shock waves of protest may have seemed spontaneous, they were the result of years of grassroots organizing. After the success of the Montgomery Bus Boycott of 1955, Dr. King and others formed the Southern Christian Leadership Conference in 1957 with the express goal of stimulating mass direct action against racial oppression. SCLC united southern black ministers who had been involved in local protest movements. In his letter from a Birmingham Jail, King refers to some 85 SCLC affiliates. They had established training institutions, like the Highlander Folk School, to cultivate local civil rights leadership across the South that would be skilled in the tactics of nonviolent social protest. The movement was founded on the persistent building of local institutions that could undertake similar training of citizens everywhere. The major cultural events of the civil rights movement--the Montgomery Bus Boycott, the Freedom Rides, the Student Non-Violent Coordinating Committee's Freedom Summer in Mississippi, and the Birmingham protests--all flowed from extensive, intentional grassroots organization.⁶⁰

Freedom is not free. Real democracy must be paid for with sweat equity. There is no permanence in politics. There are only new battles to be fought and new coalitions to form.

¹ Hopwood v. Texas, 78 F.3d 932 (5th Cir. 1996). The Hopwood decision was abrogated by the Supreme Court in Grutter v. Bollinger, 539 U.S. 306 (2003), allowing narrowly tailored consideration of race to achieve diversity in higher education.

² Lani Guinier and Gerald Torres, *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy* (Cambridge: First Harvard University Press, 2002): 68-73.

³ See Nicholas Webster, "Analysis of the Texas Ten Percent Plan," The Ohio State University: Kirwan Institute for the Study of Race and Ethnicity, 2007. In 2012, 51 percent of students in the UT system were not white Americans. (University of Texas System, Enrollment Trends by Ethnicity: 2012, in the Productivity Dashboard Database, exploredata.utsystem.edu, accessed September 29, 2013).

⁴ Scott Jaschik, "10% Admissions: The Full Impact," *Inside Higher Ed*, April 6, 2009, www.insidehighered.com/news/2009/04/06/texas (citing research by Mark C. Long, Victor B. Saenz, and Marta Tienda).

⁵ Michael A. Olivas, "Don't Scrap Top 10% Plans," *Inside Higher Ed*, April 26, 2007, www.insidehighered.com/views/2007/04/26/olivas. But see "Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin," Office of Admissions Report 2010, (showing that median freshman year grades for ten-percenters and non-ten-percenters have begun to converge at 3.0 at UT Austin) www.utexas.edu/student/admissions/research/HB588-Report13.pdf

⁶ Thurston Domina, "Higher Education Policy as Secondary School Reform: Texas Public High Schools After Hopwood," *Educational Evaluation and Policy Analysis* 2007, 29: 200, 214.

⁷ Julie Berry Cullen et al., "Jockeying for Position: Strategic High School Choice under Texas' Top Ten Percent Plan," *Journal of Public Economics* 97(2013): 32-48. See also Kalena E. Cortes, "Ranking Up by Moving Out: The Effect of The Texas Top 10% Plan on Property Values," NBER Working Paper 16663 (2011) (finding evidence of strategic choices to move to neighborhoods with low-performing schools and a simultaneous increases in property values in those neighborhoods), www.nber.org/papers/w16663.

⁸ See generally Sheryll Cashin, *The Failures of Integration: How Race and Class Are Undermining the American Dream* (New York: Public Affairs, 2005): 202-236 (discussing the disproportionate influence middle-class suburbs possess).

⁹ David Bacon, "How Mississippi's Black/Brown Strategy Beat the South's Anti-Immigrant Wave," *The Nation*, April 20, 2012, <http://www.thenation.com/article/167465/how-mississippi-blackbrown-strategy-beat-souths-anti-immigrant-wave>.

¹⁰ *Ibid.*

¹¹ Juan F. Perea, et al., *Race and Races: Cases and Resources for a Diverse America* (St. Paul: Thomson/West, 2007): 102-03 (citing Edmund S. Morgan, *American Slavery, American Freedom* 327-288 (1975)).

¹² Susan Eaton, "Black-Latino Coalitions Block Anti-Immigrant Laws in Mississippi," *2 Race, Poverty, and the Environment* 18, 2011.

¹³ Bacon, "Mississippi's Black/Brown Strategy."

¹⁴ Eaton, "Black-Latino Coalitions Block Anti-Immigrant Laws in Mississippi."

¹⁵ *Ibid.*

¹⁶ Bacon, "Mississippi's Black/Brown Strategy."

¹⁷ Richard Fausset, "Tough Anti-Illegal-Immigration Law Dies in Mississippi," *Los Angeles Times*, April 3, 2012, <http://articles.latimes.com/2012/apr/03/nation/la-na-nn-mississippi-immigration-20120403>.

¹⁸ Bacon, "Mississippi's Black/Brown Strategy."

¹⁹ This slogan comes from a MIRA flyer about Civic Engagement Day inserted in MIRA's October-December 2012 newsletter. Mississippi Immigrant Rights Alliance, "Come Join Us

on Civic Engagement Day: Support Human Rights for All,”
www.yourmira.org/media/archives, accessed September 29, 2013.

²⁰ Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in America* (New York: Vintage Books, 1967): 75.

²¹ Paul Osterman, *Gathering Power: The Future of Progressive Politics in America* (Boston: Beacon Press, 2003): 67.

²² *Ibid.*, at 42–47, 51, 67, 93, 185.

²³ The Kaiser Family Foundation, “Health Insurance Coverage of the Total Population: 2011,” kff.org/other/state-indicator/total-population/, accessed September 29, 2013.

²⁴ William Julius Wilson, *The Bridge Over the Racial Divide: Rising Inequality and Coalition Politics* (Berkeley and Los Angeles: University of California Press, 1999): 85–92.

²⁵ Osterman, “Gathering Power,” at 75–81.

²⁶ Texas has opted not to change Medicaid eligibility as a result of the Affordable Care Act, but premiums are already going down. In Texas, an average 27-year-old with income of \$25,000 could pay \$145 per month for the second lowest cost silver plan, \$133 for the lowest cost silver plan, and \$83 for the lowest cost bronze plan after tax credits. For a family of four in Texas with income of \$50,000, they could pay \$282 per month for the second lowest cost silver plan, \$239 for the lowest silver plan, and \$57 per month for the lowest bronze plan after tax credits. See “Health Insurance Marketplace Premiums for 2014,” ASPE Issue Brief, September 25, 2013,

www.whitehouse.gov/sites/default/files/docs/marketplace_premiums_ib_final.pdf;
“Where the states stand on Medicaid,” The Advisory Board Company, September 17, 2013,
www.advisory.com/Daily-Briefing/Resources/Primers/MedicaidMap.

²⁷ Wilson, “Bridge Over the Racial Divide,” at 115.

²⁸ Guinier & Torres, *The Miner’s Canary* (Boston: Harvard University Press, 2003).

²⁹ See, e.g., Philip Mazzocco, “The Dangers of Not Speaking About Race,” *Kirwan Institute for the Study of Race and Ethnicity*, 2006: 6, www.kirwaninstitute.osu.edu/complete-research-listing; Maya Wiley et al., “Why We Must Talk About Race to Win Better Policy,” *Center for Social Inclusion*, 2010, www.centerforsocialinclusion.org.

³⁰ Jennifer L. Knight and Michelle R. Hebl, “Affirmative Reaction: The Influence of Type of Justification on Non-Beneficiary Attitudes towards Affirmative-Action Plans in Higher Education,” *3 Journal of Social Issues* 61, 2005: 547. For example, a study that tested white college students’ reactions to affirmative action for their school found that those who received a justification based upon the advantages of diversity were less supportive than those who received explanations about the need to address past racial discrimination. *Ibid.* But as I suggested in previous chapters, racial resentments around race-based affirmative action are best dealt with not through better messaging but through reforms that help all disadvantaged people.

³¹ John A. Powell and Rachel Godsil, “Implicit Bias Insights as Preconditions to Structural Change,” *Poverty and Race* 20, no. 5, 2011: 6.

³² “Racialization” refers to “the set of practices, cultural norms and institutional arrangements that both reflect and help to create and maintain [racialized] outcomes in society.” John A. Powell, *Racing to Justice: Transforming Our Conception of Self and Other to Build an Inclusive Society* (Bloomington: Indiana University Press, 2012): 4. “Racism” implies a consciously motivated force while “racialization” implies “a process or set of

processes that may or may not be animated by conscious forces.” **john a. powell, “Deepening Our Understanding of Structural Marginalization,” *Poverty & Race*, Vol. 22, No. 5, September/October 2013 at 3. [put bolded cite in correct format, again, powell spells his name in lower case]**

³³ See Sheryll Cashin, *The Failures of Integration: How Race and Class Are Undermining the American Dream* (New York: Public Affairs, 2005): 202-236 (surveying the costs to whites of racial and economic segregation).

³⁴ The late Manning Marable argued, for example, that organizing around racial identity invites zero-sum politics. Manning Marable, “Building Coalitions among Communities of Color: Beyond Identity Politics,” in James Jennings (ed.), *Blacks, Latinos, and Asians in Urban America*, (Westport: Praeger Publishers, 1994).

³⁵ Rachel Godsil, “A Multiplicity of Interests,” *Columbia Journal of Race and Law*, Special Feature (2012): 12 (citing Samuel R. Sommers and Phoebe C. Ellsworth, “White Juror Bias: An Investigation of Prejudice Against Black Defendants in the Courtroom,” *Psychology, Public Policy, and Law* 7, 2001 (finding that “many Whites embrace an egalitarian value system and desire to appear non-prejudiced.”); Alexander R. Green et al., “Implicit Bias Among Physicians and its Prediction of Thrombolysis Decisions for Black and White Patients,” *Journal of General Internal Medicine* 22, 2007 (finding that “those physicians who were aware that the study had to do with racial bias, and who had higher levels of implicit pro-white bias, were more likely to recommend thrombolysis to black patients than physicians with low bias. . .”).)

³⁶ powell and Godsil, “Implicit Bias Insights,” at 6; Godsil, “Multiplicity of Interests,” at 13; powell, “Deepening Our Understanding,” at 3.

³⁷ Godsil, “Multiplicity of Interests,” at 13 (citing Linda R. Tropp and Rebecca A. Bianchi, “Valuing Diversity and Interest in Interest Group Contact,” *Journal of Social Issues* 62, 2006; J. Nicole Shelton and Jennifer A. Richeson, “Pluralistic Ignorance and Intergroup Contact,” *Journal of Personality and Social Psychology* 88, 2005; E. Ashby Plant and Patricia G. Devine, “Interracial Interactions: Approach and Avoidance,” in Andrew J. Elliot (ed.), *Handbook of Approach and Avoidance Motivation*, (New York: Psychology Press, 2008): 571.

³⁸ Pema Levy, “Obamacare Shutdown Fight: Ted Cruz Helped His Supporters Raise Money By Hurting Fellow Republicans,” *The International Business Times*, September 20, 2013, www.ibtimes.com.

³⁹ Full disclosure: the author of this book currently serves as a Vice-Chairman of the board of Building One America.

⁴⁰ Sheryll Cashin, “Shall We Overcome? Post-Racialism’ and Inclusion in the 21st Century,” *Alabama Civil Rights and Civil Liberties Law Review* 1, 2011: 46-47.

⁴¹ **Jonathan Tamari, Assembly Panel approves low-income housing bill, CourierPostOnline.com, May 23, 2008. [check cite format]**

⁴² Institute of Metropolitan Opportunity, “America’s Racially Diverse Suburbs: Opportunities and Challenges,” July 20, 2012, www.law.umn.edu/uploads/5f/0b/5f0b8b86d389c4416a08bb29a3614ed2/Diverse_Suburbs_FINAL.pdf at 3 & n.3; Myron Orfield, *American Metropolitcs: The New Suburban Reality* (Washington D.C.: Brookings Institution, 2002), 155-72.

⁴³ **[cite the study in this link, <http://www.pewsocialtrends.org/2008/12/02/americans-say-they-like-diverse-communities-election-census-trends-suggest-otherwise/>]**

⁴⁴ Meghan A. Burke. "Diversity and Its Discontents: Ambivalence in Neighborhood Policy and Racial Attitudes in the Obama Era" *Journal of Race and Policy* 6.1 (2010): 80-94. Available at: http://works.bepress.com/meghan_burke/4 **[review format]**

⁴⁵ **[Get cite]** *[Sheryll, be sure I haven't already said this earlier in the manuscript]*

⁴⁶ **[cite Harvard-Berkeley study again, I cited it in a previous chapter, available at <http://www.equality-of-opportunity.org/>]**

⁴⁷ Eaton, "Black-Latino Coalitions Block Anti-Immigrant Laws in Mississippi," at 38.

⁴⁸ Martin Luther King, Jr., "Letter from a Birmingham Jail 16 April 1963," in *Why We Can't Wait*, ed. Martin Luther King, Jr., 77-100, 1963.

⁴⁹ For an incisive analysis of the overuse of racial disparities see powell, "Deepening Our Understanding," at 3-4.

⁵⁰ Thomas Edsall, "The Reproduction of Privilege," *New York Times*, March 12, 2012, <http://campaignstops.blogs.nytimes.com/2012/03/12/the-reproduction-of-privilege/>.

⁵¹ Osterman, "Gathering Power," at 16 – 17, 21.

⁵² Steven Greenhouse, "Labor Unions Claim Credit for Obama's Victory," *New York Times*, November 7, 2012; see also David Madland and Nick Bunker, "Unions Make Democracy Work for the Middle Class," Center for American Progress: American Worker Project, 2012, www.americanprogressaction.org.

⁵³ Ruy Teixeira and John Halpin, "The Obama Coalition in the 2012 Election and Beyond," Center for American Progress (2012), www.americanprogress.org/wp-content/uploads/2012/12/ObamaCoalition-5.pdf, accessed September 29, 2013. Forty-two percent of white college graduates voted for Obama in 2012, compared to thirty-six percent of working class whites. Ibid. at 5.

⁵⁴ John R. Logan and Wenquan Zhang, "Global Neighborhoods: New Evidence from Census 2010," US2010 Project (2011) (describing global neighborhoods as those where the "traditional black-white color line is replaced by a more complex array of whites, blacks, Hispanics, and Asians" in substantial numbers), www.s4brown.edu/us2010/data/Report/globalfinal2.pdf, accessed September 29, 2013.

⁵⁵ Institute of Metropolitan Opportunity, 2012, at 2, 8 (noting that in 2010 almost a third of the population in the 50 largest metropolitan areas – nearly 53 million people – lived in diverse suburbs that were 20 to 60 percent nonwhite). **[check format, this cite first appears in a note 42 above]**

⁵⁶ U.S. Department of Health and Human Services, "Adoption USA: A Chart Book Based on the 2007 National Survey of Adoptive Parents," aspe.hhs.gov/hsp/09/NSAP/chartbook/chartbook.cfm?id=1, accessed September 29, 2013.

⁵⁷ Pew Research Center, "The Rise of Intermarriage: Rates, Characteristics Vary by Race and Gender," February 16, 2012, www.pewsocialtrends.org/files/2012/02/SDT-Intermarriage-II.pdf. Nearly all young adults born after 1980 say they are "fine" with interracial marriage, and 85 percent of them are personally open to marrying someone of any other racial group. Pew Research Center, "Almost All Millennials Accept Interracial Dating and

Marriage," February 1, 2010, www.pewresearch.org/2010/02/01/almost-all-millennials-accept-interracial-dating-and-marriage/. Most millennials also have friends of a different race. Among white millennials, 56 percent have black friends, compared to just 36 percent of whites ages 50 to 64. Pew Research Social and Demographic Trends, "Blacks Upbeat about Black Progress, Prospects A Year After Obama's Election," January 12, 2010, www.pewsocialtrends.org/2010/01/12/blacks-upbeat-about-black-progress-prospects/.

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⁵⁹ Christopher L. Aberson et al., "Implicit Bias and Contact: The Role of Interethnic Friendships," *The Journal of Social Psychology* 144, no. 3, 2004: 335-347.

⁶⁰ Osterman, "Gathering Power," at 18 - 20, 53 - 54; Devon W. Carbado and Donald Weiss (eds.), *Time On Two Crosses: The Collected Writings of Bayard Rustin*, (San Francisco: Gleis Press Inc., 2003): xxiv.