

New Political and Legal Strategies For African-Americans:

Dreaming Big, Dreaming Creatively

BY MAXIM THORNE

Today, we celebrate the thirty-fifth anniversary of the African-American Research Center at Yale. When the Center was founded, political and legal activism on behalf of blacks was straightforward – for the country was still emerging from an era of legally-enforced racism.

Now, the issues are less straightforward – and to address them, we need new strategies. Today, I want to talk about what those new strategies should be.

Some of my ideas might seem alien – they might seem to clash with your current viewpoint. Maybe they will even be anathema to you. But the truth is, our current strategies are not achieving what we aim to accomplish. So it's time to think about new ones.

The First Strategy: Go Home

One strategy I used, personally, was simply to go home. It's the same strategy Dorothy used in the Wizard of Oz: It worked for a white girl; why not me? And my first message to you is this: If you want change, think about going home to work for it .

I remember my first day at Yale Law School. Dean Guido Calabresi pleaded with the first-year students to take our talents back to our original homes when we graduated. There, he told us, we would have a comparative advantage.

New York, San Francisco and Boston are full of Yale grads: Do these cities really need yet another? Not so with Arkansas, Illinois or my home state, New Jersey.

I'll admit it: New Jersey is not a sexy place to live. New Jersey is a white state with black cities – and those cities are poor. Newark. Paterson. Jersey City. Generally, these are not cities where people move, looking for a new life. They are cities where people are trapped, in desperation and poverty.

Yet power, and culture, in New Jersey are mostly white. When New Jerseyans talk about big hair, they're talking about styling mousse and curling irons – not Afros and Jheri Curl. When they talk about getting whacked, they're referring to what happens to old whites on the Sopranos – not what happens to young blacks on the streets of Newark.

The truth is, New Jersey is segregated. And its residential segregation has meant educational segregation. A law school friend of mine attended Chatham High School; she is white, and she had not a single black classmate. Now, another law school friend of mine, who is black, lives in Chatham. That's some progress, to be sure. But he is still very much alone.

And towns like Chatham add up. New Jersey has the fifth most segregated school system in the country. Despite *Brown*, segregation has actually increased over the years in the state. And New Jersey's inner city and rural schools – meaning, the schools dominated by people of color -- are among the worst in the country. These high schools' monstrous dropout rates promise only a future of crime, imprisonment or early death for our children.

Yet there is some hope for people of color in New Jersey. This deeply segregated state also happens to have among the most progressive Constitution and laws in the country. As a legal services lawyer in Paterson, New Jersey, I tried to help match up the state's legal ideals, with its practical realities.

The Second Strategy: Public Schools Aren't Our Only Option

That leads me to a second strategy: Think about educational options other than the public schools.

In New Jersey, I represented a Head Start program. As you may know, Head Start is a nonprofit. Paterson's Head Start received federal grants to educate about 700 very poor three and four year old children, preparing them for kindergarten.

No one needs Head Start like New Jersey does. Its poor children – read, its black children – begin school eighteen months behind their peers. That's right: They begin behind. And it's hard, then, for even the brightest to catch up.

White children take preschool for granted – often attending private preschools with very low teacher-to-student ratios. Not so for black children.

When Paterson's Head Start program came to me, they were under siege. A local educational advocacy group was petitioning New Jersey Supreme Court to implement school reform. They wanted to expand public school to cover three and four year olds.

Sounds good, right? Preschool for all? The problem, though, is that the group that is famously good at preschool education is Head Start – not the public school system. And this supposed reform would have put Head Start out of business.

The result would have disproportionately hurt people of color: White kids would have gotten more years in excellent white suburban schools. Black kids might have gone to school earlier – but the school would still have been a weak one. The truth was, this supposed “reform” would only have set us back.

So we sued – not just for Paterson’s Head Start, but for Head Starts across New Jersey. We agreed with the petitioners that preschool education should be publicly funded in New Jersey. That was a no-brainer. But we also argued that preschool education should be able to be provided by Head Start – not just by public schools. We argued that Head Start’s track record of excellence ought to be continued – not pre-empted by the public schools.

We won. Twice, we went to the State Supreme Court. The majority of the Justices are Republicans. Nevertheless, they ruled in our favor. The state now has to pay for high quality preschool in urban and rural areas. But here’s the key: it cannot supplant local Head Start and daycare programs to do so. Over twelve billion dollars will be invested in early childhood education.

Children have benefited hugely. So did the City of Paterson. Funds were routed to the city – for education and education-related construction.

Preschools had to be built. People of color have benefited – not just African-Americans, but Arab-Americans, Philipino Americans, Hispanic Americans and others.

The Third Strategy: Draw On the Power of Older Women of Color

That brings me to a third strategy: Remember our great resource, the older women of color who have been the pillars of our communities for so long.

Daycare is Paterson's largest industry founded, controlled, and run by women – in particular, women of color. Now, any black person with a mother or a grandmother knows how powerful and smart and strong older black women can be. But of course, society has not always seen that. When we brought our legal case, the women's position wasn't orthodox. Since *Brown*, blacks have tried to believe in the public schools. But sometimes, the public schools just aren't the answer.

And that is what the black women of Paterson's Head Start taught me. From years of experience, these women knew that was true. I was skeptical, but I listened to them, and believed them. Sometimes advocates get so caught up in their own righteousness, they don't listen to what their supposed beneficiaries really want and believe. I am glad I did listen. These women were right.

And they were powerful. After I helped them in court, they helped me in politics. I ran for an at-large seat on the Paterson City Council, with their strong support. And I learned a lesson: Successful legal cases can help form a political constituency. Public housing residents I had helped as a lawyer, also supported me as a politician.

Well, I lost the election. Not only that, I was defeated by an ex-con with numerous warrants out for his arrest. For a Yale grad, that was pretty humbling. I learned that sometimes, you can't beat the machine no matter how hard you work, no matter how smart you think you are. In Newark, I think Cory Booker – who ran for mayor, and lost – learned the same lesson. But I was heartened to see the success of Barack Obama in another conservative, segregated state -- Illinois.

Illinois, too, has its white suburbs and its black cities. Yet soon, a black man will represent Illinois districts in the Congress of the United States. And those of us who saw Obama's speech to the Democratic National Convention know it is unlikely to stop there: I don't know about you, but

that night, I saw America's first black President. And while I love Bill Clinton, I'm not talking about him

Barak Obama went home to Illinois. I went home to New Jersey. I think we were right to do so. Sometimes, after you've been to Yale, it's hard to go home. But often, it can be the right thing to do.

The Fourth Strategy: Network Your Heart Out, Giving Time, Advice, and Money

Whether you go home or not, you can make a difference. I think many of us have found, since graduation, that this is surprisingly hard to do. But we need to keep things in perspective.

I am the great grandson of a freed slave from Barbados. He became one of the first blacks to get a college degree in England, and then a graduate degree. After he completed his education, he returned to British Guyana -- to advocate for trade unions, and against colonialism. He had dogs set upon him for his pains.

I am in awe of my great grandfather's suffering and perseverance. Examples like his convince me that we are a people who can survive a great deal, and still thrive.

Yet it's so hard to do it alone. I heard this message in my Yale College days, from the playwright Ntozake Shange. She taught the importance of networking – not just among ourselves, but with others, even those with very different views. I didn't understand the value of this strategy then. But now I do.

Shange told her audience – a group of young black radicals – to get over ourselves. She stressed how Yale provides the space to reach across boundaries – boundaries that are much more difficult to cross when you leave this place. How angry I was to hear her words. I felt she was undermining our struggle to make Yale more responsive to black students' concerns – I felt that others should be reaching out to us, not vice-versa. Now I see that she was right. Alliances are necessary. Obama cannot win without white support. John Kerry cannot win without black support.

Now, some bridges are too hard to cross. After Head Start's New Jersey Supreme Court victory, I attended a small, intimate meeting with Ken Starr – the notorious independent counsel. He was attorney of record in the Cleveland voucher/school choice case. I thought maybe we could make common cause: Black parents, too, are often interested in sending their children to private religious schools, and public funding can be crucial. But I found Starr's views too distant from my own to be able to ally with him. Still, I'm glad I attended, and listened.

I'm arguing strongly for us to seek community with as many groups as possible, and to seek mentors – both black and white. It is still so hard for us to reach high positions, that by the time we do, we may be tempted to be a gatekeeper – or feel too exhausted to be a mentor. But we have to resist this.

I know you're tired. I know you work hard. I know that you have to work twice as hard because you are a person of color. Believe me, I know.

But please make the time. Please give the money. Please return the call when your brother or sister calls you. Please agree to speak and share your knowledge and wisdom. Each of us is a rare and valuable asset. There are

too few of us to do all the things that need to be done. So do not make yourself scarce!

Begin here at this conference. Let's be open about our goals. We want to see blacks in every seat of power – whether it's corporate, or academic, or political; whether it's an elite graduate school, or even a Yale secret society. If Skull and Bones members run the country, let's be the ones to run Skull & Bones. We need, and deserve access. We must fight for it, and insist on it.

The doors will not open by themselves. They might not open if we knock. But if we keep beating on them, if we camp out in front of them, if we insist, they will open. And once some of us are inside, we can open the doors for the others who will follow.

We have new and old networking resources – and we need to use them.

The black church is tried and true – and still effective. As an attorney, I represented the Council of Black Ministers and the Paterson Pastor's workshop, as well as local churches like First AME Zion. The church is a political force. It continues to get out the vote and to help create new role models.

Just consider the “three divas” on American Idol, nurtured by black churches. The winner, Fantasia Barrino, was confident, self-possessed – and nineteen years old. She got a lot of criticism for being a single mom. But she deserved great praise for her composure and professionalism.

The Fifth Strategy: Honor Our Geeks, and Use the Internet

What about new resources? The Internet is making networking a lot easier than it used to be. Professional networks such as LinkedIn can introduce us to those with similar goals. Even Friendster can work this way.

As we increasingly use the Internet, we need to celebrate the geeks among us, and bridge the digital divide. Let’s celebrate people like Jonathan Farley – an African-American who just won Harvard Foundation's ‘Scientist of the Year’ award. Let’s make Coke bottle glasses a cool fashion accessory. Let’s put the mathlete next to the athlete when we line up our heroes.

A white man, Howard Dean, made the Internet work for him politically – and changed history. We need to take a page from his book: This is the new

grassroots. We need to learn from groups like Black Ivy, an Internet network of black Ivy League graduates.

The Sixth Strategy: Ally with the Gay Community

There's another resource, too, that we have too often ignored: the gay community – whose political activism has had immense success. Can you think of a slogan as powerful as Silence Equals Death? Can you think of a modern activist more effective than Larry Kramer?

Gays and people of color ought to be natural allies. We, too, are liberal Democrats. We, too, still face unfair discrimination. We, too, are disproportionately affected by AIDS. The forces that push us apart must be defeated.

It's far too late in the day for blacks to be homophobic – or anti-Semitic, for that matter. We cannot afford to lose natural allies based on the same kind of irrational, noxious prejudices we ourselves have fought for so long.

The Seventh Strategy: Encourage the Business-Politics Crossover

I'll say it again: We need to network, and create alliances. Our community's life depends on it. We also need to create powerful financial structures to support political fundraising. Currently, I am working with the DNC to raise funds for John Kerry. I wish I could find an African-American George Soros – or even an African-American Bill Gates – to help us.

Russell Simmons' political activism in New York is a good model. He's organized protests and gotten performers and listeners alike to understand their role in America's politics. P. Diddy, too, should be lauded for running a marathon to help New York's children.

But we need more Russell Simmonses and P. Diddies. And we need them to sometimes cross over from business to politics. Where is our African-American Ronald Reagan? Our African-American Jesse Ventura? Our African-American Arnold Schwarzenegger?

Even Ben Affleck has political aspirations. Even Sonny Bono became a member of Congress. For goodness sake, even the white man who played the purser on the Love Boat, Fred Grandy, was elected to Congress! Even

as the most mediocre whites ascend to power – and I do include our President – our best and brightest hold back. They don't even enter the arena.

Where is *our* crossover? When do we begin to leverage our power and presence in popular culture, into political power?

Personally, I have some nominations. Shouldn't Bernie Mac turn his caustic tongue to politics? Queen Latifah has proven herself able to excel in several careers – why not this one? Venus and Serena Williams have shown us how they can dominate sports: Why not create a political dynasty too? Who has a better public image, right now, than the beloved, charismatic Will Smith? Or the beloved, charismatic Oprah Winfrey? Or businessmen like Earl Graves or Ed Lewis?

John Edwards made millions as an attorney, and then turned to politics. Couldn't famed litigator – and Paul Weiss partner -- Ted Wells do the same? Or Johnnie Cochran? The same lawyers who so adeptly persuade juries, can persuade constituents too.

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Let's dream big – and ask for more. I applaud Barack Obama. I'd like to see a hundred more black politicians like him. I honor Russell Simmons. I'd like to see a hundred more black businessmen and businesswomen as politically active. I stand in awe of Oprah's stellar successes. Now I want the chance to vote for her – and a hundred other black men and women who decide to turn their business success into political success.

The great American essayist James Baldwin said, "Those who say it can't be done are usually interrupted by others doing it." Let's do it together.