CONSTRUCTING SOLIDARITY: INTEREST AND WHITE WORKERS

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The existence or non-existence of classes is a major stake in the political struggle.¹

By the end of the long period of contract negotiations, white workers were so tied to their African-American counterparts that when individual African-American workers were sued, the white workers called a press conference to protest the fact that they were not also sued. After all, they too had engaged in the boycott and protest activities.²

Solidarity is work. During the 1990s, social and legal theory explored race as a social construction and whiteness as a racial construction.³ Legal theory, however, paid very little attention to the intersection of class and whiteness.⁴ This Comment treats both class and whiteness as social

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⁴. In contrast, during this period labor historians greatly expanded their exploration of the role of white workers in the economic and social subordination of African-Americans and other people of color in American history. See, e.g., NOEL IGNATIEV, HOW THE IRISH BECAME WHITE (1995); DAVID R. ROEDIGER, TOWARDS THE ABOLITION OF WHITENESS: ESSAYS ON RACE, POLITICS, AND WORKING CLASS HISTORY (1994); DAVID R. ROEDIGER,
constructions that affect each other rather than developing in isolation from each other, focusing on the example of the interest in solidarity among white workers at the Kmart Distribution Center in Greensboro, North Carolina.\textsuperscript{5} Black employees led the organizing drive and black ministers led community support, but white workers joined in, expressing solidarity in a number of ways. Law and legal theory need to recognize solidaristic interest in white workers and support it on terms that strengthen minorities, both in politics and in labor law.

White workers made up about one third of the work force at Kmart.\textsuperscript{6} North Carolina has a long history of racism that helped keep workers unorganized. As a result of a series of cases on voting rights, Greensboro was moved from a mostly-black congressional district, represented in Congress by a black Democrat, to a mostly-white district represented by a white Republican.\textsuperscript{7} This Comment argues that the interests of the white working class people of Greensboro are not represented better under the new political system; rather, if they had retained minority political leadership, their chances for representation of their labor interests and for transformation of their class and race consciousness would have improved.

The Greensboro Distribution Center was the only Kmart distribution center with a mostly-African-American work force. Workers at the Greensboro Distribution Center were paid an average of $5.10 per hour less than workers in identical jobs at other centers.\textsuperscript{8} Therefore, all the workers, including approximately one-third who were white, suffered financial losses because of racism.

The drive to organize a union at the distribution center began with the

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6. \textit{See} Hair, \textit{supra} note 2, at 661; \textit{Guinier, supra} note 5.
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7. The district was redrawn after Shaw v. Hunt, 517 U.S. 899 (1996), and then redrawn again, removing Greensboro and the rest of Guilford County, after the district court granted summary judgment to plaintiffs challenging the new plan. \textit{See} Hunt v. Cromartie, 526 U.S. 541, 119 S.Ct. 1545, 1548 n.1 (1999). In \textit{Cromartie}, the Supreme Court reversed the grant of summary judgment. If the Supreme Court ultimately upholds the constitutionality of the district, the borders will revert to their previous status. District Twelve is represented in Congress by Mel Watt, an African-American Democrat. District Six, encompassing Greensboro, is a mostly-white district represented in Congress by a white Republican.
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8. \textit{See} \textit{Guinier, supra} note 5, at 240.
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leadership of black workers and support from the black community.\textsuperscript{9} Black ministers voluntarily were arrested in support of the organizing drive, and they organized community support when the company refused to negotiate with the union. When the workers demonstrated at Kmart, blacks met first at the church and whites met first at the union hall.\textsuperscript{10} The union was literally the base from which whites entered shared organization with African-Americans. When Kmart sued black workers and black ministers, white workers held a press conference and demanded to know why they too had not been sued.\textsuperscript{11} Black community support was crucial in mobilizing community support in general in Greensboro. White workers therefore gained directly from the strength of black community figures during the several years of struggle.

The success of the drive eventually brought union benefits to white workers as well as to blacks. When the union won a contract, it marked the first time in the history of the Kmart corporation that a distribution center had been organized. Although whites were a minority of the union, they had gained considerably from the leadership of black employees and black community figures. Reverend Nelson Johnson and the other black ministers had carefully described their campaign as one for "sustainable community" in part to avoid a double trap: when the struggle was described as a fight for racial justice, white workers did not see it as their problem; and when the struggle was defined in purely economic terms, blacks felt the campaign ignored its racial dimension.\textsuperscript{12}

Race is a social construction in which whiteness is a distinct socially constructed identity.\textsuperscript{13} Both class and race are socially constructed categories, and the meanings of these categories are forged through human relationships and historical and social processes.\textsuperscript{14} The interaction of the

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\item[9] See Hair, supra note 2, at 664 (recounting support from the Pulpit Forum and a rally at a historically black high school).
\item[10] See Guinier, supra note 5, at 241.
\item[11] See id. The press conference was the product of strategic consultation between Reverend Nelson Johnson, other black ministers, white ministers, and workers. Rather than describe the suit as an issue of discrimination, even though only blacks had been sued, Rev. Johnson described it as an opportunity. See Nelson Johnson, Reflections on an Attempt to Build "Authentic Community" in the Greensboro Kmart Labor Struggle, 2 U. PA. J. LAB. & EMP. L. 675, 683-84 (2000).
\item[12] See Guinier, supra note 5, at 240; Johnson, supra note 11, at 677.
\item[13] Ruth Frankenberg divides whiteness into a set of "linked dimensions": a location of structural advantage and race privilege; a "standpoint" from which white people look at ourselves, at others, and at society; and a set of cultural practices that are usually unmarked and unnamed. See RUTH FRANKENBERG, WHITE WOMEN, RACE MATTERS 1 (1993). Frankenberg defines "whiteness" as the cumulative way that race shapes the lives of white people. See id.
\item[14] Race is inherently relational. To have meaning, it must describe more than one social group—it must describe the relations between groups in the context of historical development and contemporary relations of power. See, e.g., Michael Banton, The Idiom of
material world and the ways we explain and understand it generate "experience" and, therefore, the "experience" of lived whiteness is something continuously constructed, reconstructed, and transformed for white people.  

Although privileged identity requires reinforcement and maintenance, protection against seeing the mechanisms that maintain privilege is an important component of the privilege itself. The manifestations of privilege seem elusive and subtle to whites who seek to identify them. Whiteness facilitates achievement, diminishes conflict, and grants access, while simultaneously diminishing white awareness of white racial identity. Whites therefore see themselves as acting as individuals, rather than as members of a culture.

Most whites understand racism as something that a second party (the racist actor) does to a third party (the subordinated person of a minority race); racism appears to be a phenomenon distinct from themselves. Because whites do not see the dominant norm of whiteness and the mechanisms of its reproduction, bigotry and prejudice—individualized and intentional harms—become the focus of inquiry for whites. Both hostility (in others) and self-consciousness (in ourselves) intervene in the norm of white transparency and the apparently natural state of affairs in which


15. See Frankenberg, supra note 13, at 2.


17. Part of the power of whiteness as a dominant norm is its transparency to whites within its sphere. See Flagg, supra note 3, at 957. For example, when Peggy McIntosh identified forty-six ways she experienced white privilege in her daily life, the list included things that happen because she is white and things that do not happen because she is white—for example, she can shop alone because she knows that she will not be followed or harassed. See McIntosh, supra note 16, at 5; see also Regina Austin, A Nation of Thieves: Securing Black People’s Right to Shop and to See in White America, 1 UTAH L. REV. 147 (1994) (discussing the harmful treatment suffered by blacks in commercial settings).

18. McIntosh conceptualizes her white privilege as an invisible, "weightless knapsack of special provisions, assurances, maps, tools, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank checks." McIntosh, supra note 16, at 2. The knapsack includes "unearned assets" (things that should be entitlements of humanity and that everyone should have in a just society, but which in fact are awarded to the dominant race) and "unearned power conferred systematically" (those things that are damaging in human terms even as they bring advantage and are associated only with dominance, such as the freedom not to be concerned about the needs, culture, or reality of others). Id.

19. See Flagg, supra note 3, at 953 (discussing the view that some individuals see themselves only apart from their race, gender, etc., but never as part of a class); Mahoney, supra note 3. The idea of a self without culture and not part of a collectivity is itself part of white cultural dominance in the United States. Peggy McIntosh notes that she was raised to see herself as an individual and not as part of a culture. See McIntosh, supra note 16, at 4.
whites prosper. For white Americans above the working class—those who write the books and do most social analysis—racism often appears to be something that working class whites (particularly Southerners) do to African-Americans and other people of color. In the absence of any widely agreed upon concept of class interest, wealthier and more educated whites perceive working class whites only as racists. In the absence of systematic structures to facilitate solidarity, white privilege in the working class will continue to be reproduced whether or not whites are aware of it, as it is in other classes.

Because law and legal theory have difficulty recognizing class interest and are relatively new at recognizing whiteness, the interest of whites in solidarity can be especially difficult to explore. Focusing on status rather than class as an analytical category leads to the belief that white interest in retaining privilege is natural and essential for all whites, regardless of economic class. Without a vision of solidaristic interest, the elimination of white privilege is treated theoretically as depending on persuading whites to reject inauthentic privilege rather than on mobilizing some aspects of white self-interest, as well as moral persuasion, against race privilege.

The goal of empowering people of color in the labor context has led some scholars to suggest that labor law should be changed to permit identity-based groups to bargain with employers without majority representation or exclusive bargaining rights. This Comment first explores ways in which both the status approach that treats whites of all classes similarly, and then explains how proposals to change the current structure of labor law to facilitate identity-based organizing are challenged by the solidarity and shared interest developed among white workers in the Kmart drive.

This Comment then examines the way recent cases on minority voting rights affect labor interests of white working people. Those cases do not address class interest directly. Rather, they are quite literally reactionary—drafted in response to minority progress under the Voting Rights Act—and explicitly protective of white plaintiffs, treating the interests of whites alike without regard to class. These cases deploy discursive strategies that are prototypically white: they define the relevant interests of whites in law as

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21. Many scholars of feminist theory have argued that the liberation of all women demands the liberation of women of color. They argue that white women's self interest incorporates the rejection of racism. See, e.g., Mahoney, supra note 3, at 248 ("[I]f we want liberation as women (including liberatory theory) we need to explore the experience and needs of all women. In this process, we will hear accounts of women's experience in which whiteness itself may become visible in ways we find uncomfortable."). See generally ELIZABETH V. SPELMAN, INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT (1988); Angela P. Harris, Race and Essentialism in Feminist Legal Theory, 42 STAN. L. REV. 581 (1990); MARTHA CHAMALLIS, INTRODUCTION TO FEMINIST LEGAL THEORY 86-112 (1999) (on the "diversity" stage of feminism in the 1990s).
individual rather than group interests, despite the inherently collective nature of voting and political power, protecting individual whites from being placed in mostly-minority districts "on the basis of their race." The Shaw cases weakened the power of minority voters in North Carolina and moved some white workers out of a strong labor district that ultimately could have helped strengthen solidarity.

I. CLASS, STATUS, AND THE CONSTRUCTION OF WHITENESS

Two major concepts of inequality have historically divided social and political theory: "class," in general, referred to groups organized in relation to production; and "status" referred to the distribution of privilege and wealth- in relation to the market. If Americans talk about class—and we usually do not talk about it at all—we usually mean status. Of course, it is impossible to understand the development of class consciousness and activism in America without referring to the way that racial privilege and oppression interact with class. I use the term "vulgar status" to describe a concept of status that refers only to income and social hierarchy but not to the organization of production. American popular and political discourse focus on status, using the terms "middle class" and "underclass" to refer to broad status categories rather than to structural group relations of economic power.

22. See supra notes 16-19 and accompanying text (discussing white concepts of individuality and culture).


25. See BENJAMIN DEMOTT, THE IMPERIAL MIDDLE: WHY AMERICANS CAN'T TALK STRAIGHT ABOUT CLASS (1990) (discussing the lack of any meaningful exploration of class issues in the United States). Within a "mythology of classlessness," talk establishing class superiority comes up all the time, but "[i]n theory, class is an unmentionable." Id. at 12, 17.

26. Each of these categories has a presumptive race. "Underclass" is widely understood to be a racialized term, and the fact that "middle class" is modified by "black" when describing African-Americans shows that the category may be presumptively white but is certainly presumptively not-Black. See Martha R. Mahoney, The Anti-Transformation Cases: Whiteness, Class, and Interest (Sept. 10, 1999) (unpublished manuscript, on file with the author).

27. Robert Reich tried to popularize the idea of an "overclass" as part of a vision of three classes in America: an overclass, an underclass, and an "anxious class." HERBERT GANS, THE WAR AGAINST THE POOR: THE UNDERCLASS AND ANTIPoVERTY POLICY 52, 167 n.109 (1995). The "anxious class" is clearly a political allusion to people positioned in the center (therefore, fundamentally "middle class" in American parlance). The terms were not widely adopted.
Depending on the lens chosen to analyze inequality, the attachment of white workers to white privilege may look natural and inevitable or may appear subject to countervailing influences. Without class solidarity, white workers seem naturally attached to protecting whiteness. If race and class are both social constructions, then each will affect the construction of the other. Focusing solely on status, however, reifies white privilege. Status-based analyses counterpose social justice claims against white self-interest differently than do relational class analyses. Americans of "middle-class" status tend to associate self-worth with their status position and expect from their own status group higher levels of altruism than they expect of lower status groups. Whites of lower status are often thought to have the greatest attachment to racism, both objectively (they most need the help of white privilege) and subjectively (they seek extra status most desperately).

Sociologists and historians have labored to articulate the relationship between economic and social structures and consciousness, ideology, and struggle. Structural relations are experienced in the lives of people, both

28. See E. P. THOMPSON, THE MAKING OF THE ENGLISH WORKING CLASS 9 (1964) ("I do not see class as a 'structure,' or even as a 'category,' but as something which in fact happens (and can be shown to have happened) in human relationships.").

29. Erik Olin Wright defined approaches to class as being either "relational" (focused on group relationships of power and exploitation) or "gradational" (focused on stratification and line-drawing based on occupation and market position). See ERIK OLIN WRIGHT ET AL., THE DEBATE ON CLASSES (1989).

30. "The relationship between structure and agency is one that has not been 'resolved' in any branch of sociological inquiry and ... it is therefore wrong to 'gang up' on class analysis as if it is particularly at fault here." Mike Savage, Review Article: Class Analysis and its Futures, 1994 Soc. Rev. 531, 540 (1994) (citing R. CROMPTON, CLASS AND STRATIFICATION: AN INTRODUCTION TO CURRENT DEBATES (1993)).

31. Marxism actually does not require that economic structure be the basis of all analysis: "Any work context involves an economic dimension (production of things), a political dimension (production of social relations), and an ideological dimension (production of an experience of those relations). These three dimensions are inseparable." MICHAEL BURAWOY, THE POLITICS OF PRODUCTION: FACTORY REGIMES UNDER CAPITALISM AND SOCIALISM 39 (1984).

32. Edward Palmer Thompson noted:

Class formations ... arise at the intersection of determination and self-activity; the working class "made itself as much as it was made." We cannot put "class" here and "class consciousness" there, as two separate entities, the one sequential to the other, since both must be taken together—the experience of determination, and the "handling" of this in conscious ways. Nor can we deduce class from a static "section" since it is a becoming over time, nor as a function of a mode of production, since class formations and class consciousness (while subject to determinate pressures) eventuate in an open-ended process of relationship—of struggle with other classes—over time.

individually and socially, no matter how we describe them. Collective action and the sorting of possibility and decision also happen through experience of real people. "[H]istorical change eventuates, not because a given 'basis' must give rise to a correspondent 'superstructure,' but because changes in productive relationships are experienced in social and cultural life, refracted in men's ideas and their values, and argued through in their actions, their choices, and their beliefs."

White privilege is therefore vital to an understanding of "class" in America. Once "class" is understood as a social process, it is easy to see that race plays an important role in making class and consciousness. In the field of law, however, a general focus on status and distribution rather than on class and production tends to naturalize the existing distribution of power and privilege.

Richard MacAdams applied economic theories of status to criticize the notion, widely argued in law and economics, that racial discrimination is costly to the discriminator and that the price paid for the "taste for discrimination" undermines the rationale for antidiscrimination laws. MacAdams responds to this argument by emphasizing the ways that producing and protecting status as an economic interest will bind white people together in the project of enhancing white status and will therefore continue to produce incentives for discrimination. MacAdams' argument is an intelligent internal critique of a profoundly conservative concept. He sees status as contested for all whites because of the costs of discrimination to all whites, and he sees discrimination in the market as the major form of subordination. His argument has the great strength of addressing the reproduction of white privilege now and in the future, rather than focusing solely on correcting the structural remnants of past oppression. Furthermore, he treats the protection of white privilege as a collective project furthered by individual acts of racial subordination rather than as a matter purely of individual taste. Even a sophisticated theorist such as MacAdams, however, overlooks the contested nature of white privilege by focusing on status.

As an example of group status at work, MacAdams quotes a speech by Henry Grady, nineteenth century editor of the Atlanta Constitution and spokesman for the "New South" and industrialization:

Standing in the presence of this multitude, sobered with the responsibility of the message I deliver to the young men of the

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35. See id.
36. See id.
South, I declare that the truth above all others to be worn unsullied and sacred in your hearts, to be surrendered to no force, sold for no price, compromised in no necessity, but cherished and defended as the covenant of your prosperity, and the pledge of peace to your children, is that the white race must dominate forever in the South, because it is the white race, and superior to that race by which its supremacy is threatened. MacAdams describes this speech as "an economically explicable (if unusually candid) means of enlisting white troops in the ongoing status warfare." He sees Grady as urging "the process of discriminating against, and thereby subordinating, the blacks whose inferior position produces a status gain for whites." Grady's rhetoric helps to establish "a norm of white behavior, the abrogation of which will lower the in-group status of non-conforming whites.

In Grady's time, "necessity" and political organization had created a Populist vision which sometimes, though inconsistently at best, "compromised" white privilege by defining self-interest in white producers as a shared project with African-Americans. The opposite position to that taken by Grady appears in a famous quotation from the Populist leader Tom Watson:

[T]he People's Party says to [the black farmer and the white farmer], You are kept apart that you may be separately fleeced of your earnings. You are made to hate each other because upon that hatred is rested the keystone of the arch of financial despotism which enslaves you both. You are deceived and blinded that you may not see how this race antagonism perpetuates a monetary system which beggars both.

Grady was not speaking to whites who feared high costs of their "taste for discriminating against" African-Americans. The challenge to white supremacy was inherent in the idea that some whites had class-based interests in solidarity, not in the high cost of maintaining privilege. The

38. Id. at 1008.
39. Id.
40. Id.
41. See, e.g., GERALD H. GAITHER, BLACKS AND THE REVOLT: BALLOTS AND BIGOTRY IN THE "NEW SOUTH" 68 (1977) ("The mind of the average white Populist was caught between the Scylla of race and the Charybdis of reform."); GAITHER, supra at 130-35 (summarizing the overall failure of Populists to sustain class-based appeals).
42. Tom Watson, The Negro Question in the South, quoted in C. VANN WOODWARD, TOM WATSON: AGRARIAN REBEL 220, 232 (1938) (outlining the Populist program that called for a united front between Negro and white farmers as well as opposing lynching, supporting education, speaking to integrated audience, and insisting on political equality, and praising accomplishments of "Negro race.")
maintenance of white supremacy also involved far more than "discrimination" against African-Americans. Although Grady himself did not advocate terror, the methods of racial subordination in this period included expropriation, coercion, torture, and murder, not merely the accretion of many individual acts of "discrimination." Within a few years after Grady's speech, class-based interracial mobilization took place.

43. See, e.g., Paul D. Escott, White Republicanism and Ku Klux Klan Terror: The North Carolina Piedmont During Reconstruction, in RACE, CLASS, AND POLITICS IN SOUTHERN HISTORY 3-5 (Jeffrey J. Crow et. al. eds., 1989) (describing a progressive, biracial, and energetic Republican party that included lower-class whites) This progressive Republican party was ultimately unable to withstand a wave of Klan terror that terrorized blacks to prevent them from voting. See id. at 27-32.

44. As Robin Kelley points out in the context of Communist organizing in Alabama during the Depression, scholars often underestimate the "extent and character of anti-radical repression in the South."

[M]ost scholars have underestimated the Southern Left and have underrated the role violence played in quashing radical movements. Religious fundamentalism, white racism, black ignorance or indifference, the Communists' presumed insensitivity to Southern culture, their advocacy of black self-determination during the early 1930s, and an overall lack of class consciousness are all oft-cited explanations for the [Communist] Party's 'failure' to attract Southern workers. The experiences of Alabama Communists, however, suggest that racial divisions were far more fluid and that the Southern working-class consciousness was far more complex than most historians realized.


45. C. Vann Woodward describes how white Populist farmers defended H. S. Doyle, a young African American preacher:

In the face of sixty-three threats upon his life, Doyle made sixty-three speeches during the campaign in behalf of Watson's candidacy. Toward the close of the campaign, Doyle met with a threat of lynching (called "imaginary" by the Democratic press) and fled to Watson for protection. Watson installed him on his private grounds and sent out riders on horseback for assistance. All night armed farmers roared into the village. The next morning the streets were "lined with buggies and horses foaming and tired with travel." All that day and the next night they continued to pour in until "fully two thousand" Populists crowded the village—arms stacked on Watson's veranda... They marched to the courthouse under arms, where they were addressed by Doyle and Watson. "We are determined," said the latter, "in this free country that the humblest white or black man that wants to talk our doctrine shall do it, and the man doesn't live who shall touch a hair of his head, without fighting every man in the people's party." The farmers remained on guard for two nights... The spectacle of white farmers riding all night to save a Negro from lynchers was rather rare in Georgia.

WOODWARD, supra note 42, at 239-40. The following week while Doyle was speaking at Louisville, a shot intended to kill him struck and killed a white man. When Watson and Doyle spoke together two days later, they were accompanied by a guard of forty men carrying rifles. Two more black men who stood for Populism were murdered immediately thereafter. See id. at 240.
through Populist organizing.

Grady spoke to a contested view of white supremacy. Both class-conscious racial solidarity and its political defeat—which ultimately included Tom Watson's turn to racist demagoguery and support for white supremacy—are important in understanding white working class concepts of self-interest in America. Grady's position—the defense of status and white privilege over class and transformation—won in the long run, as interracial organization in the South collapsed under the combined weight of terror and disfranchisement. But the possibility of class-based antiracist mobilization is important in understanding the contested nature of whiteness.

I support MacAdams's conclusion that antidiscrimination laws are vital to prevent the reproduction of white privilege. Only by preventing the reproduction of privilege can solidarity develop on the ground of equality. Vulgar status is, however, an impoverished and misleading way to explain white privilege. Robert Frank describes the quest for status as a biologically determined aspect of human nature: "[P]eople come into the world equipped with an inner voice urging them to rank as high as possible in whatever social hierarchy they belong to." Exploitation does not exist since the market, not the employer, sets wages. Class, therefore, does not exist in any antagonistic sense. Because status is measured locally, against the people around us, humans can increase their happiness by "choosing the right pond" and making sure they are always at the top of the local hierarchy.

The problems inherent in status analyses become immediately evident when Frank's concepts are applied to the white Kmart workers. If the quest for status were natural and biological, the white workers would be in the wrong place: They should make sure that their white privilege is protected within the small "pond" at Kmart or else simply leave a mostly-black workplace for the "right pond." The satisfaction of shared struggle and the development of solidaristic identity, exemplified by the assertion made at the press conference that white workers must be counted as part of the lawsuit, has no place in a vulgar status regime. Therefore, part of protecting solidarity in law is to increase the exploration of class issues in legal theory along with the critique of whiteness and to avoid naturalizing the concept of white privilege by focusing only on status.

46. See infra text accompanying note 117 (arguing that opposing white privilege and identifying class interest are both important to the ability of white workers to build class solidarity on the basis of racial equality).


48. See id. at 43-44, 136-38.
II. **Subordination and Solidarity**

Consciousness and action for white working class people are a contest of identification: How much will they wind up being white in ways that make it harder to "do class," and when will they "do class" in ways that lead to new or solidaristic behaviors and beliefs? Change may begin with behavior modification. Given the history of racial exclusion in the Southern workplace, this means increasing willingness to work with people of color at all ("we are all in this together"). Change may include a commitment to egalitarianism, ("we all deserve good treatment") or it may involve the rejection of white supremacy as destructive and inauthentic—in other words, actively taking positions against racism. Because consciousness and action are interrelated, the fight to name interests is therefore part of the construction of class itself.

The widespread American attachment to status-identification as "middle class" discourages the mobilization of class consciousness. "The middle class does not exist prior to its symbolic and political organization—it results from it." Bourdieu, in rejecting analyses that fail to recognize that social groups are contingent and forged in struggle, emphasizes the importance of this contest over the nature of class. 

"Knowledge of the social world and, more precisely, the categories that make it possible, are the stakes, par excellence, of political struggle, the inextricably theoretical and practical struggle for the power to conserve or transform the social world by conserving or transforming the categories through which it is perceived."

Whites work with people of color within several possible constellations of power and class leadership. An inquiry into the organization of power and whiteness reveals that in some work situations whites are a numerical majority, but will sometimes elect minority leadership. When whites are not a numerical majority, either whites may

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50. See id.

51. Id.

52. The distinction between white and nonwhite is not always the crucial division in a multiracial workforce with documented and undocumented immigrants of varying racial, national, and ethnic origins. See, e.g., Ruth Needleman, *Building Relationships for the Long Haul: Unions and Community-Based Groups Working Together to Organize Low-Wage Workers*, in *Organizing to Win: New Research on Union Strategies* 71 (Kate Bronfenbrenner et al. eds., 1998) [hereinafter ORGANIZING TO WIN]; Inmanuel Ness, *Organizing Immigrant Communities: UNITE's Workers Center Strategy*, in *Organizing to Win*, supra, at 87.

53. In general, when the majority of the work force is white, it would seem likely that racism could be most divisive. Kim Moody argues that cultural change is happening within
retain most leadership positions, or minorities may hold leadership. The question of leadership may be easiest when whites are a minority and people of color, supported by communities of color, are leading a class-based struggle.\textsuperscript{54} Then the question is how to bring whites along as part of the drive rather than having them become a force against solidarity because of racism.

Recently, Marion Crain and Ken Matheny have proposed ending the majority rule and exclusivity doctrines to permit identity-based labor organization.\textsuperscript{55} Although these proposals are made with the goal of empowering workers of color, they have high risks for labor solidarity.\textsuperscript{56} Crain and Matheny believe that the rules protecting solidarity reflect a vision of the working class as white, male, and based in manufacturing; these rules were "once thought necessary to preserve solidarity in a relatively homogenous workforce unified by its common economic labor:

A class or union 'identity' speaks to a real material need that draws people together. If the institutional bases of racism and sexism are not addressed this unity can collapse far more rapidly than it took shape. But the opportunity to forge unity is there in the reality and organizations of class.

Kim Moody, Workers in a Lean World 178 (1997). Racism is not gone. In union elections, multi-racial slates at high levels are common, but the top candidate is seldom African-American, Latino, or Asian. Moody, however, quotes a national organizer from Teamsters for a Democratic Union:

The idea that white workers won't elect Latino or Black leaders is simply wrong. The Teamsters are overwhelmingly white. But they elected the most diverse leadership ever to run the Teamsters union.... [Around the country, nationally, and locally,] smart white activists don't just tolerate this diversity, they seek it out. The union context brings out the best in people.

\textsuperscript{Id.}

54. The Kmart struggle in Greensboro was one example of such a situation. For a description of another, see Eric Mann, Taking on General Motors: A Case Study of the UAW Campaign to Keep GM Van Nuys Open 151-84 (1987).


56. Similar proposals have been criticized by other labor scholars concerned with antiracism in the labor movement and empowerment of people of color. See Molly McUsic & Michael Selmi, Postmodern Unions: Identity Politics in the Workplace, 82 Iowa L. Rev. 1339 (1997) (addressing various proposals); McUsic & Selmi, supra, at 1352-53 (describing a proposal by Professor Alan Hyde for identity caucuses in the workplace with nonbinding input to employers (citing Alan Hyde, Employee Caucus: A Key Institution in the Emerging System of Employment Law, 69 Chi.-Kent L. Rev. 149 (1993), and a proposal by Professor Elizabeth Iglesias for multiple unions within the workplace organized along identity lines (citing Iglesias, supra note 55)).
concerns but potentially divided by individual economic interests,"\(^{57}\) but "those who now comprise the majority of the U.S. workforce [are] women, racial and ethnic minorities, and service workers."\(^{58}\) But divisions by race, national origin, and gender are not new in the American working class. Racial and ethnic minorities and women of all races need to find or forge solidaristic ties with each other to pursue shared interests, as well as needing at times to work with white men. In fact, class consciousness is only weakly protected in American labor law, which denies solidaristic tools like the secondary boycott, limits the scope of allowable use of union dues to fund political activities, and contains narrow concepts of self-interest among organized working people.\(^{59}\)

Crain and Matheny correctly argue that unions, comprised mostly of white males, have responded inappropriately to sexual harassment of women workers by either allowing it to continue or by participating in and supporting it themselves.\(^{60}\) Their article has the significant strength of focusing on privilege\(^ {61}\) rather than simply on subordination. They distinguish between subordination and exploitation\(^ {62}\) and analyze the ways gender exploitation takes place within the working class when working

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57. Crain & Matheny, supra note 55, at 1544.

58. Id.

59. See Mahoney, The Anti-Transformation Cases, supra note 26 (discussing the difficulty of recognizing class interest in American labor law); see also Richard Michael Fischl, Self, Other, and Section 7: Mutualism and Protected Protest Activities Under the National Labor Relations Act, 89 COLUM. L. REV. 789 (1989).

60. Crain & Matheny, supra, note 55 (discussing Mitsubishi case). While noting that the AFL-CIO has, in recent years, turned to organizing the unorganized, immigrants, and low-wage workers, they see labor organizations as protecting and perpetuating white privilege and as failing to change the distribution of power in America.


62. The authors explain:

Exploitation refers to a social relation that allows "one group of people to appropriate the fruits of labor of another group." More than simple income inequality, exploitation exists only when a causal relationship obtains between the incomes of individuals or groups. For true exploitation to occur, the income of the exploiting group must depend causally on the efforts of the exploited group. We can thus distinguish exploitation from mere economic oppression, or domination. Economic oppression occurs when one group deprives another of access to productive resources. But economic oppression does not necessarily connect the material deprivation of one group with the material benefit another group enjoys. We can also distinguish sexual or racial domination from class exploitation because sexual and racial domination does not necessarily imply antagonistic material interests.

Crain & Matheny, supra note 55, at 1580 n.188 (citing Erik Olin Wright, A General Framework for the Analysis of Class Structure, in THE DEBATE ON CLASSES 3, 7-19 (1989)).
class men, as well as employers, profit from appropriating the labor of women. The authors note the dangers implicit in making analogies between racism and other forms of oppression. Nevertheless, they move without further analysis or support to treating both race and gender as issues of intra-class "exploitation":

If gender and race are viewed as loci of exploitation that intertwine with class exploitation, however, one can more clearly see how employers use gender, race, and class to structure relations between themselves and labor, and can imagine an alliance among labor and identity politics movements that might offer a more radical and effective challenge to capitalistic systems of exploitation.

Their belief that exploitation characterizes working class race relations as well as gender relations underpins their proposal to protect identity-based workplace organization. Historians and social theorists are still investigating the relative importance of agency by white workers in the retention of white privilege compared with the exercise of power by employers, mobilization, and resistance among minorities in workplace and community struggles. However, even if the agency of white workers was one of the important causes of the exclusion of people of color in the past (or in the present), it is not clear that the best remedy would be to recognize separate organizations.

The Crain and Matheny proposal presupposes a workplace or a union in which white males compromise the majority of the workforce. While this was indeed the old paradigm in basic industry and skilled crafts, it is often not the case in public employment, where women and people of color are represented at relatively high rates, or among low-wage workers, and

63. Crain & Matheny, supra note 55, at 1584 n.194 (citing Trina Grillo & Stephanie M. Wildman, Obscuring the Importance of Race: The Implications of Making Comparisons Between Racism and Sexism (or Other Isms), in PRIVILEGE REVEALED, supra note 61, at 85).

64. In some situations race exploitation clearly takes place within the working class, but that does not mean this is the nature of all working class racism or racial exclusion. When black women in the South who have been excluded from industrial work did paid housework for white women industrial workers at extremely low wages, white women exploited that labor. See, e.g., DOLORES E. JANIEWSKI, SISTERHOOD DENIED: RACE, GENDER, AND CLASS IN A NEW SOUTH COMMUNITY (1985); see also VICTORIA BYERLY, HARD TIMES COTTON MILL GIRLS: PERSONAL HISTORIES OF WOMANHOOD AND POVERTY IN THE SOUTH (1986). The fact that exploitation based on race privilege sometimes does take place within the working class, however, does not support the shift to treating race as well as gender as the basis of exploitation rather than domination.


perhaps in some other contexts as well.\textsuperscript{67} Identity-based organizing, which strengthens voice in minority workers and women, also strengthens the most conservative aspects of identity for white workers. The Kmart organizers purposely avoided characterizing their struggle as concerned solely with racial or economic justice, to avoid alienating either whites or blacks.\textsuperscript{68}

This does not mean, however, that progressive consciousness for whites always mandates silence about race. In a struggle against plant closings at General Motors, organizers purposely included "white" as a racial category when describing the variety of workers banded together\textsuperscript{69} and encouraged white workers to see the strength shared by the union that grew from minority community support for their struggle. Ruth Frankenberg describes "race cognizance," meaning an anti-racist awareness of difference, as the progressive approach for whites rather than nonrecognition of race or white pride.\textsuperscript{70} Rather, it means that advocates of separate organization should consider the impact of this rule on whites as well as on people of color.

Given the long history of resistance to shared organizing in North Carolina,\textsuperscript{71} if the white Kmart workers had been separately organized, they might never have joined the drive at all. The Kmart situation provides a good example of what Molly S. McUsic and Michael Selmi call a "borderland" within which identity can change through mutual interaction.\textsuperscript{72} Minority community leadership and minority leadership in the organizing drive created conditions under which whites could join the development of shared identity. One important test of proposals to organizationally empower workers of color is how those structures will affect solidarity. Methods must be sought that empower minorities while facilitating transformative work among all workers.\textsuperscript{73}

\begin{itemize}
\item \textsuperscript{67} Given the greater success that Crain and Matheny recognize at organizing in predominantly female workplaces, the male-dominant union will likely comprise a diminishing proportion of organized labor. See Crain & Matheny, supra note 55, at 1608-09 n.337.
\item \textsuperscript{68} See supra text accompanying note 12.
\item \textsuperscript{69} See MANN, supra note 54, at 170-71.
\item \textsuperscript{70} See FRANKENBERG, supra note 13, at 14-15.
\item \textsuperscript{71} See, e.g., DOLORES E. JANIEWSKI, SISTERHOOD DENIED: RACE, GENDER, AND CLASS IN A NEW SOUTH COMMUNITY (1985) (recounting persistent division by race and protection of white privilege among tobacco workers in Durham).
\item \textsuperscript{72} See McUsic & Selmi, supra note 56, at 1367-68.
\item \textsuperscript{73} This could help evaluate various proposals to strengthen minority voice in the workplace, including minority caucuses, unions organized in contexts in which there is no majority, and other possible measures. For example, Professor Elizabeth Iglesias has proposed amending the National Labor Relations Act to allow proportional representation of minorities in union leadership. See Iglesias, supra note 55.
\end{itemize}
III. RACE AND POWER, CLASS AND INTEREST

The South's fabled and endlessly trumpeted "favorable business climate" — read "no unions welcome" — has . . . helped make the region, particularly the Interstate 85 corridor between Richmond and Atlanta . . . the new manufacturing center of America.\textsuperscript{74}

There is an interactive relationship between low levels of union organization and class consciousness in American society. The legal conditions necessary for labor to organize are eroded or lost in part because of the lack of labor's political power. As labor's presence in national politics diminishes, challenging legal rules that protect employers becomes more difficult. Low levels of union organization decrease the capacity of workers to pursue their interests as a class and make them increasingly dependent on the state for protection. While local struggles may gain strength from labor-community coalitions, the process of building these mutually fortifying alliances is slow, and moving them toward labor as a community issue is impeded by labor's current general weakness.\textsuperscript{75} The decline in union organization reduces labor's organized political presence in the process of government. Working people become disproportionately dependent on the general attentiveness—or lack of it—of their political representatives, who may not be directly responsive to labor at all.

Low levels of labor organization also lead white workers to interact less with leaders who have an investment in building antiracist solidarity. As a result of pervasive residential segregation, working class whites often do not live near working class people of color. Since class formation happens outside the workplace as well as within it,\textsuperscript{76} and given the history and persistence of racism in America, promoting antiracist class-based mobilization is a practical challenge as well as a theoretical one. Political leaders in mostly-white districts often consolidate voting bases that do not require interracial solidarity. The loss of organized labor's political leadership and the transition to less organized participation within broader civic processes both tend to diminish the total amount of antiracist messages that white workers hear.\textsuperscript{77}

Without a labor party, labor interests are only one of many interests of

\textsuperscript{74} PETER APPLEBOME, DIXIE RISING: HOW THE SOUTH IS SHAPING AMERICAN VALUES, POLITICS, AND CULTURE 186 (1996) (emphasis added).

\textsuperscript{75} See generally KIM MOODY, AN INJURY TO ALL (1988).

\textsuperscript{76} See Ira Katznelson, Constructing Cases and Comparisons, in WORKING CLASS FORMATION: NINETEENTH-CENTURY PATTERNS IN WESTERN EUROPE AND THE UNITED STATES 16 (Ira Katznelson & Aristide R. Zolberg eds., 1986).

\textsuperscript{77} I am grateful to Professor Monte Piliawski of Wayne State University for sharing his thoughts on this subject.
voters, and one of the interests least emphasized in contemporary politics. In the absence of political representation for labor, representational appeals to white working class people are often pitched overtly or covertly to whiteness and threats to whiteness. In the infamous political advertisement during Jesse Helms's senatorial campaign against African-American Harvey Gantt, a pair of white hands crumpled a slip of paper while the narrator said, "You really needed that job, but it went to a minority because of a quota."\textsuperscript{78} These types of messages tell white workers that people of color are their real problem, inflicted on them by the intervention of powerful outsiders into the natural state of affairs where white people had access based on their own individual merit. Since neither Democrats nor Republicans are pursuing labor-protective legislation to protect these voters as workers, however, nobody claims to speak directly to their self-interest except those who speak to them as white workers, as did the "white hands" commercial. In the contested, interrelated construction of race and class in contemporary America, conscious efforts to identify, mobilize, or create antiracist class consciousness have been largely absent. It is particularly important, then, to examine the redistricting struggles in North Carolina in the district within which the Kmart struggle was located.

In the early 1990s, to comply with the Voting Rights Act, North Carolina created a mostly-black district that spanned much of I-85 through the industrial centers of the Piedmont district, which at the time included Greensboro. The district was challenged by white plaintiffs, who complained that they had been placed in a mostly-black district on the basis of their race.\textsuperscript{79} The Court held that the "bizarre" shape of the district and the fact that it created a black majority district juxtaposed to areas of white majority created the appearance of "racial gerrymander."\textsuperscript{80} Justice O'Connor's majority opinion held that the act of classifying by race is itself "odious," without regard to whether the classification creates privilege, subordination, harm, or deprivation.\textsuperscript{81}

The underlying logic of Shaw depends on the white discursive strategies of power evasion and color evasion.\textsuperscript{82} The opinion is color evasive. As many scholars have pointed out, mostly-white districts are not suspicious in the midst of whites, no matter how oddly they are shaped.

\textsuperscript{78} See, e.g., Lloyd Grove, The Ballot of Harvey Gantt; He's Had Six Years to Think About a Rematch with Jesse Helms. And He's Ready, WASHINGTON POST, May 24, 1996, at D1.


\textsuperscript{80} See id. at 644.

\textsuperscript{81} See id. at 643.

\textsuperscript{82} See FRANKENBERG, supra note 13, at 142-57. Color evasion happens when whites fail to notice their own race or the race of others. Power evasion happens when whites recognize difference in skin color but deny that it has any relationship to power.
Only proximity to the "Other" triggers suspicion. To Justice O'Connor, noticing race is "odious" because she and other whites believe race itself is bad; race became bad because it was firmly linked to concepts of subordination and inferiority. Because color evasion includes avoiding seeing whiteness, whites will never notice color in all-white areas. Shaw is also power evasive: The Constitution is offended not by the exercise of power resulting in racial subordination, but by the very act of classification by race. Furthermore, Justice O'Connor's use of the terms "segregated" and "apartheid" reflect a typically white viewpoint. Only in the presence of minorities do whites become uncomfortably aware of their whiteness. The highly loaded term "apartheid" shows that, to Justice O'Connor, this feels like racism.

Finally, Justice O'Connor's assertion that majority-minority districts may "pull us apart" reflects the positioned white belief that there exists a social "we" who are not currently "apart." In 1993, as Shaw was being decided, a study revealed that white residents of North Carolina tended to believe that race prejudice and discrimination against blacks were not major problems in North Carolina. African-Americans, in contrast, saw discrimination and prejudice as widespread. Although whites indicated they supported local ordinances that permitted segregation, they rarely showed overt hostility to blacks or expressed openly racist sentiments. It is consistent with Southern history for whites to believe that race relations


84. See Frankenberg, supra note 13 (attributing the white concept that "race" is bad to racist concepts of the inferiority of the "Other").

85. Neither term accurately describes the district, which has been described by Pamela Karlan as one of the most integrated in America. See Pamela Karlan, Our Separatism? Voting Rights as an American Nationalities Policy, 1995 U. Chi. Legal F. 83, 94 (noting that District Twelve is among the most integrated districts in the country).

86. Cf. Mahoney, supra note 3, at 231-34 (arguing that to whites, making white people feel white feels like racism because it violates the norms of not recognizing one's own race or the race of others). The Shaw plaintiffs had not identified their own race, but the district court took judicial notice that the plaintiffs were white. The plaintiffs' belief that racial identity should not matter to the use of race under the Equal Protection Clause is itself a paradigmatically white attitude.

87. There is extensive scholarly critique of this reasoning. See, e.g., Kousser, supra note 83, at 273 (arguing that blacks and whites in North Carolina possessed "deep, broad, and consistent differences of opinion related to major concerns of public policy").

88. See id. at 271-73.

89. See id.

90. See id.
are comfortable and undivided while blacks perceive division and oppression.91

In subsequent cases, O'Connor supported the claimed link between racial classification and political harm by emphasizing "representational harm"—the message purportedly sent by the act of racial classification that a political representative need only represent the particular group that forms the majority of the district. According to O'Connor, racial classifications tell political representatives in majority white districts that they need only represent the interests of whites.92 Representatives from white districts would be told to pay attention to whites, and white plaintiffs would not have standing in these districts.93 The invisible dominant norms of whiteness and status combine to make it easy for judges to conceive of voting cases as "race" cases when they concern minority voting rights and "political power" cases when they appear to concern whites.

But the political economy of District Twelve was less mysterious than the Court insisted, and its organization seems to have favored the labor interests of white workers who lived within it. The interstate highway through the Piedmont tracks much of the history of labor struggle in North Carolina because it linked the mills and factories.94 Greensboro was home to the corporate headquarters of Burlington Mills, Cone Mills, and other

91. See, e.g., WILLIAM CHAFE, CIVILITIES AND CIVIL RIGHTS: GREENSBORO, NORTH CAROLINA, AND THE BLACK STRUGGLE FOR FREEDOM 7 (1980) (explaining that a white business and educational spokesmen pointed to Greensboro's race relations as a model of cooperation).


93. In Hays, the mostly-minority district was described as "racially gerrymandered" but the mostly-white district was treated as if it was not characterized by race and as if no "representational" harm would occur for residents of that district. See id. at 744-45.

94. In Henderson, near the Virginia border, a walkout in 1927 at the Harriet Mill signaled the beginning of intense labor struggle in the textile industry. See HALL ET AL., supra note 66, at 212. A long bitter strike during the 1950s left the union "deeply defeated but not quite dead." Linda Frankel, "Jesus Leads Us, Cooper Needs Us, the Union Feeds Us": The 1958 Harriet-Henderson Textile Strike, in HANGING BY A THREAD: SOCIAL CHANGE IN SOUTHERN TEXTILES 101-20 (Jeffrey Leiter et al. eds., 1991); Rhonda Zingraff, Facing Extinction, in HANGING BY A THREAD, supra, at 205 (discussing the future of the Southern textile industry and unionization). Durham saw extremely effective participation in the General Strike of 1934. See HALL ET AL., supra, note 66, at 340. In Burlington, once home to one of the largest textile companies in the world, the strike brought confrontations between strikers and the National Guard. See id. at 341-42. In Charlotte, a financial and transportation hub, a long strike in 1919 gained support from the governor and resulted in the first labor victories in the textile industry, promoting unionism in the region. See id. at 187-90. Gastonia was the site of vicious repression during a strike in 1929. Ella Mae Wiggins, the union's most effective local organizer, was shot and killed in that strike. See id. at 215. Wiggins had taken back her maiden name after her husband abandoned the family. "She lived in a black neighborhood outside the mill village and, alone among local unionists, tried to persuade black workers to sign union cards." Id. at 227. The General Strike of 1934 "verged on class warfare" in Gastonia. Id. at 351.
CONSTRUCTING SOLIDARITY

textile companies; there, paternalism as a labor system disintegrated into labor struggles by the time of the Depression.  

Further down the highway, in Kannapolis, home of the giant Cannon Mills, the needle trades union UNITE won a National Labor Relations Board (NLRB) election in June 1999 after twenty-five years of organizing.

The placement of highways through the Piedmont is not arbitrary. Roads track the organization of production, as materials and people must be moved from place to place. Along those routes, black and white working people came to work in mills, factories, and the businesses that developed around them. As the textile industry grew through the late nineteenth and twentieth centuries, mill villages became close-knit white working-class communities. Blacks were excluded from all but the heaviest jobs and lived outside the mill villages. Blacks were only able to obtain industry jobs in large numbers after the federal government brought pressure for desegregation of the textile mills. The presence of black workers brought both segmentation of the labor market and a militancy that had been forged from collective action and the civil rights movement into struggles of textile workers. Black support proved fundamental to union successes after 1970. But racism continued to be used as an anti-union strategy in fighting organizing drives, and many textile companies continued to reserve supervisory positions and better jobs for whites.

The Piedmont is the most urbanized area of North Carolina. The black population of the Greensboro area increased between 1960 and 1980, but geographic racial separation also increased during this period. In 1992, the District Director for the Amalgamated Clothing and Textile Workers Union ("ACTWU") described the newly created Twelfth Congressional District in North Carolina as an unparalleled opportunity for his union and for labor in the state: running along Interstate 85, it concentrated more shops organized by ACTWU than any other district in

95. See Bryant Simon, Choosing Between the Ham and the Union: Paternalism in the Cone Mills of Greensboro, 1925-1930, in HANGING BY A THREAD, supra note 94, at 81.

96. The threat to use black labor instead of white was effective against organizing by white workers.


98. See id. at 11.


100. See OLE GADE & H. DANIEL STILLWELL, NORTH CAROLINA: PEOPLE AND ENVIRONMENTS 158-59 (1986); see also CHARLES R. HAYES, THE DISPERSED CITY: THE CASE OF PIEDMONT, NORTH CAROLINA 1-29 (1976) (describing the Piedmont region as "a dispersed city", with "interdependent" traffic flow and commerce).

101. GADE & STILLWELL, supra note 100, at 191-92.

102. District Twelve stretched from Durham to Gastonia; it did not go as far north and east as Henderson.
If the goal of legislative districting in North Carolina were to increase the political strength of working class people, and particularly of organized labor, the Piedmont would need a district through the textile and furniture belt along the interstate. However, North Carolina has never sought to maximize working class strength. Quite the opposite: after the Civil War, a sustained period of coalitional voting by blacks and poor whites, usually in the Republican Party, triggered repeated waves of opposition. Some of the opposition was social and cultural, seeking to mobilize racism in opposition to class solidarity through racist rhetoric and inflammatory denunciation of African-Americans. This was not only a cultural attack. Violence and terror against both blacks and whites, including whippings and killings, was part of the repression of biracial political alliances. When North Carolina disfranchised blacks, the state had promised to avoid disfranchising poor whites. In reality, however, the same measures that disfranchised blacks also drove poor white voters out of the political process. 104

The working class in North Carolina has historically been "politically and economically weak and, as a result of the way in which industrialization has taken place, socially and geographically fragmented." 105 For example, North Carolina deliberately scattered its urban and industrial center rather than develop a unified urban center. Having attracted major industries fleeing union organization, the state energetically pursued anti-union policies, even going as far as declining to assist investment from unionized companies. 106 State policies also kept workers racially divided and helped keep industry dispersed. 107 In the 1970s, the State Department of Administration favored "creation of a network of smaller urban centers [as] the key idea in a settlement pattern for shaping the growth and location of population within the state." 108 The state also sought to attract militantly anti-union employers and was hostile,


105. WOOD, supra note 99, at 19.

106. See id. at 166 (describing how North Carolina opposed new capital when union plants sought to relocate there).

107. The governor of North Carolina told manufacturers that the efficient highway system and the reserve agricultural labor force allowed industry "to locate away from congestion and at the same time to draw upon a large and industrious labor supply that is mostly rural. They are stable people who generally live on farms or in the country where they can gather some extra income and additional independence from some kind of farming." Id. at 163.

108. Id.
at the state or local level, toward industries that were high-wage and unionized.  

Therefore, "traditional" districting practices in North Carolina could never unite working class districts to gain electoral power. First, state policy had opposed such a development. Second, even if state policy now favored it, the dispersed geography of the region would require crossing through farming districts and other areas to link industrial and urban areas together. There is little hope in the American legal system to force legislators who are dependent on fund raising, answerable to PACS, and who are seldom from working class backgrounds themselves, to redistrict in ways that maximize working class strength. Although the "one man, one vote" decisions brought more democracy to urban areas packed with working-class voters, nothing forced the South to empower workers.

The Shaw cases disrupted a district well suited to developing class-based politics that linked industrial locations along an interstate highway while creating a black-majority voting district. In a state that consciously scattered industrial and urban areas, the Court's attack on the black majority weakened the political strength of the labor movement and therefore the potential power of labor-community coalitions. E.P. Thompson defined class as not a "structure" but "something that happens." By moving Greensboro out of District Twelve, the Shaw Court made it improbable that white workers would continue to have minority leadership that would help protect their interests. The Court therefore constructed a political theater in which "class," meaning combined mobilization and consciousness, is less likely to "happen" at all. "[T]he principles of vision and division of the social work... in the construction of theoretical classes have to compete, in reality, with other principles, ethnic, racial or national, and more concretely still, with principles imposed by the ordinary experience of occupational, communal and local divisions and rivalries."

At the end of the nineteenth century, disfranchisement in North Carolina, as elsewhere, had the primary goal of preventing African-Americans from participating in the political process. Some white politicians also sought to disfranchise poor white farmers and workers, while others sought to protect them from disfranchisement, at least temporarily. Disfranchisement virtually eliminated African-Americans

109. See id. at 165-66.
110. See id.
111. Bourdieu, supra note 1, at 9.
112. Bourdieu, supra note 1, at 7-8.
113. See KOUSSE, supra note 104, at 183-95.
114. See id. at 57-62 (on effects on lower-class whites generally), 188-89 (upper-class whites supported disfranchisement; Democrats ridiculed "low-born scum and quondam slaves"), 191-92 (issue of excluding lower-class whites; temporary grandfather clause as a
from political participation, but also diminished lower-class voting generally. In contemporary political and legal struggles, for example, the decisions on the Voting Rights Act and District Twelve have not been aimed at labor but at questions of minority power in America. As has happened before in North Carolina, however, some white workers will suffer losses as well.

Working class interest in the voting rights cases would favor strong representation for labor and an end to the myth that black domination is dangerous for white workers. When a white worker desires to pursue class-conscious interests in America today, he or she may be best represented in a minority district. Minority-concentrated districts may serve the class needs of white workers far better than cross-class white majority political districts. White working class people in wealthier suburban districts may discover that their elected leadership consistently opposes their class interest. Because consciousness and organization interact in making class, and because Americans possess little social awareness of class, placing white working class people in wealthy districts may result in their identification with people of "middle class" status. This diminishes class consciousness and opportunities for class mobilization.

The interest of whites in black leadership is seldom explored in law. When racial classification is defined as a harm in itself, or intentional placement in a mostly-minority district is defined as a harm to whites, exploration into the nature of subordination disappears. The reasoning of Shaw makes it impossible to hold the searching inquiry into the real nature of harm and interest that is fundamental to increasing class consciousness today. When either whiteness or class is ignored, white workers are placed in an inherently more reactionary position than when they are considered together. If we notice only whiteness, then working class whites only identify with those aspects of themselves which they share with whites of other classes and fail to identify those aspects of self which they share with people of color. If we emphasize only class, race does not disappear from American society. Rather, because whites do not perceive white privilege and norms as a matter of course, demands for inclusion from people of color are experienced by white workers as disruptive of the natural state of

115. See id. at 195 ("No longer did either party have to concern itself with the illiterate or those too poor to pay the poll tax.").

116. The voting records of politicians representing the areas of North Carolina that were mostly-black voting districts had tracked the Conservative Coalition recommendations with great consistency (not positions of advocacy for minorities or the working class) until 1992, when the creation of the new district brought Mel Watt and Eve Clayton to office. See Kousser, supra note 83, at 275 fig. 5.1.

Formalism on race (the Shaw approach) combined with the invisibility of class places white workers in the most reactionary position of all. Transformative work requires both the recognition of structures of power and of mutual need. Eventually this includes developing an understanding of the limits that racism places on class advancement. For whites, therefore, transformative identity does not lie in separate organization on the basis of their whiteness, nor in emphasizing only privilege and not class solidarity, but rather in the recognition of shared goals on the basis of equality and strength for minorities.