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978-1-107-03114-2 - The Political Power of Protest: Minority Activism and Shifts in Public Policy

Daniel Q. Gillion

Excerpt

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Introduction

On June 11, 1963, in a televised address from the Oval Office, President John F. Kennedy identified “a moral crisis” facing the United States:

The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades, and protests, which create tensions and threaten violence and threaten lives. We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is time to act in the Congress, in your State and local legislative body and, above all, in all of our daily lives. (Kennedy 1964, 467)

With these fiery words, Kennedy created a defining moment for minority protesters. In the most public of fashions, the president acknowledged the plight of racial minorities and vowed to take executive action. It was no coincidence that the president’s speech came on the heels of protests in Birmingham, Alabama, a city that had become a battleground for the civil rights movement earlier that year under the guidance of the Southern Christian Leadership Conference. By May 2, the demonstrations in Birmingham had grown so large that police officers resorted to using school buses and

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vans to transport protesters to overfilled jails. These protest activities, referred to as “Project C” for “confrontation,” persisted for weeks and culminated in the infamous events of May 3, when the nation tuned into its television sets to see not disorderly adults being handcuffed, but teenagers cornered by police officers with trained canines and little girls huddled together to soften the unrelenting force of the water that was slamming their backs into concrete walls. The scene was disturbing.

Although other minority protest events had approached this level of violence, few found their way into the living rooms of the American public. The presence in Birmingham of several media outlets, both foreign and domestic, only exacerbated the cruelty of the racial clash playing out there. After watching the scenes from Birmingham on his own television screen, Kennedy sensed public opinion was shifting in favor of minority protestors – and he was right. In 1963, race relations became the most important problem facing the nation: more than 52 percent of Americans surveyed felt that addressing racial and ethnic minority concerns should be the government’s number-one priority. This was a substantial increase from the 8 percent who had felt the same way only a year earlier.

To the government fell the simple question of what to do next. Kennedy’s even simpler answer was “Act.” Thus, he reversed his lackluster approach to race relations and proposed sweeping reform. On June 21, Kennedy implemented Executive Order 11114, which extended the authority of the President’s Committee on Equal Employment Opportunity to end discrimination in employment as well as in governmental contracts with public and private organizations receiving federal financial assistance. On that same day, he sent a letter to Secretary of Defense Robert McNamara that urged the secretary to adhere to the recommendations of the Committee on Equal Opportunity in the Armed Forces, which stated that more must be done to improve the discriminatory practices suffered by black military personnel in both on-base and

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off-base environments.¹ A month later, President Kennedy sent a letter to the speaker of the house, John McCormack (D-MA), to propose new immigration legislation that would eliminate discrimination based on national origin.² Kennedy's newfound attention to inequality continued throughout the year, reaching even the local level.³

Yet President Kennedy did more than just act: he enlisted Congress to follow suit. As a consequence, the Eighty-Eighth Congress passed the 1964 Civil Rights Act, a piece of legislation that is rivaled only by policies introduced during the Reconstruction Era. Not to be outdone, the Supreme Court under the leadership of Earl Warren reviewed the largest number of minority-related cases in the court's history in 1964.⁴

The governmental response following Birmingham poses some interesting questions for scholars of political behavior and political institutions. Most notably, do protest actions truly influence the behavior of political officials? The timing of the events in Birmingham and the federal government's response clearly suggest they do. But when events such as these seem to influence political institutions, is it merely a coincidence, or can a link between political protest and the actions of the federal government be demonstrated?

This book attempts to address these questions by picking up from where protest ends; it sits at the intersection between the close of appeals for minority equality and the initiation of governmental policy. The chapters that follow show that protest has a demonstrable effect on governmental actions at the national level. The relationship between political protest

¹ "Letters to the Secretary of Defense and to the Chairman, Committee on Equal Opportunity in the Armed Forces, in Response to the Committee's Report." June 22, 1963.

² "Letter to the President of the Senate and to the Speaker of the House on Revision of the Immigration Laws." July 23, 1963.

³ For example, on September 24, 1963, President Kennedy met with civic and political leaders in Birmingham to attempt to restore communications between white and black communities. (Indicated in "Statement by the President Following Meeting with Civic Leaders and Members of the Clergy of Birmingham". September 24, 1963.)

⁴ United States Supreme Court Database (1955–1997).

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and federal institutions is not straightforward. Racial and ethnic minority protest succeeds in obtaining policy change and directing federal attention when it informs politicians on the best course of action. The information received by politicians is fueled by the social context of protest behavior that involves both moderate and contentious tactics, a strong organizational structure, and a significant number of engagers who persist over time. These factors accumulate to signal the saliency of racial and ethnic minority concerns and draw the government's attention to political issues that are rising in importance. As pro-minority rights behavior grew in salience and the numbers of anti-minority rights actions declined, federal politicians embraced the move toward a more egalitarian society and implemented policies that would facilitate racial justice and equality. Political protest behavior thus made politicians aware of a potential area of political innovation, provided cues that demonstrated the saliency of minority concerns, and indicated which direction of political response would be best aligned with the side of protest activity most actively expressing its grievances. In brief, political officials learned from minority protest and responded when they felt emboldened by the strong informational cues provided by citizens' behavior.

Modern Perspectives on the Impact of Minority Protest

For many Americans, the 1964 Civil Rights Act and 1965 Voting Rights Act serve as lingering testaments to the impact of minority protest on policy. In fact, citizens' positive perceptions of the effectiveness of minority political protest have continued to grow over time. A 2008 Gallop Poll, for example, revealed that nearly 90 percent of Americans felt that the protesters in the civil rights movement had achieved some or all of their goals (Saad 2008). This understanding extends into a post-civil rights era in which citizens, particularly racial and ethnic minorities, view protest activities as a viable way of influencing the actions of federal politicians.

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Unfortunately, there is not a substantial amount of scholarly work that evaluates this view of the efficacy of minority protest. The few scholarly works that have addressed the link between minority protest and policy reach differing conclusions. On occasion, scholars have provided evidence that citizens' protest actions are able to influence political institutions. Some argue that the mass rioting around welfare between 1964 and 1968 led to President Johnson's establishing a riot commission that "called for 'a massive and sustained commitment to action' to end poverty and racial discrimination" (Piven and Cloward 1977, 272–73). Others have taken a qualitative approach to demonstrate the influence of protest at the local level. For example, a 1989 case study of four cities in Florida demonstrates that minority protest behavior achieved marked gains with local government (Button 1989). In Mississippi, protest behavior aided the success of the War on Poverty program by increasing citizen participation, and it facilitated school desegregation in the 1970s and 1980s (Andrews 2004). A more rigorous statistical approach similarly revealed a strong positive link between minority protests and federal aid programs that benefited minority communities (Fording 1997).

For the many positive studies that demonstrate the influence of minority protest, authors have reached another set of conclusions that refute these claims. In reexamining Piven and Cloward's research (1971; 1977), Albritton (1979) finds no support for the notion that mass protest efforts produced a response from the government by increasing welfare and the size of the federal caseloads taken by the Aid to Families with Dependent Children programs during Johnson's administration. In contrast to other works that followed, Welch (1975) shows that riots in the late 1960s did not result in increased expenditures on social welfare. Adding to this chorus of opposition, some argue that civil rights demonstrations and urban riots did little to increase the president's attention to racial issues in his State of the Union addresses during the post-civil rights movement era

(Hill 1998). This side posits that political protest has an indirect effect at best, working within public opinion to influence congressional policies, as some have argued was the case for the passage of Equal Employment Opportunity legislation (Burstein 1999).⁵ At worst, political protest activities have produced a negative response from government (Davenport 2010).⁶

Ironically, the line drawn in the sand by these two perspectives does not indicate that either side offers an erroneous account of protest, but rather that both are incomplete – a shared limitation that has accentuated this divide. No work, for example, offers a holistic understanding of the impact of minority protest across the three federal branches of government. The different federal branches have unique institutional constraints that limit their ability to respond to minority activity. In comparison to appointed officials, moreover, elected officials face different incentives to respond. Consider the lifelong appointments of Supreme Court justices in comparison to the relatively brief terms of elected members of Congress. Whereas the former are immune from the demands of reelection, the latter must appeal to citizens every two to six years. If we fail to juxtapose the responses of Supreme Court justices to those of members of Congress and the executive, we address only fragments of a larger story of government response to minority behavior. Consequently, our theoretical and analytical focus should be on the forest and not the trees of protest influence – focusing on the “macropolity” of government that includes an understanding of responsiveness

⁵ Joseph Luders (2010) makes a similar point, arguing that politicians during the civil rights movement strongly considered the preferences of third-party bystanders in their cost calculations regarding whether to respond to protest actions. Some have also argued that even though protest may have aided the passage of the 1964 Civil Rights Act, public opinion was the dominant force that allowed the adoption of the 1972 Equal Employment Opportunity Act (Santoro 2002).

⁶ Even at the local level, studies show that several city officials in California from 1960 to 1980 ignored protest activities from minority groups that were conducted without the aid of a dominant multiracial coalition and electoral mobilization (Browning, Marshall, and Tabb 1984).

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across multiple institutions.⁷ As we shall see in the chapters that follow, when some federal institutions turned a blind eye to the grievances expressed by protestors, others championed these concerns, becoming enthusiastic exponents of diversity and racial equality.

The divide between varying accounts of protest influence is further deepened by studies' lack of quantifiable measures that consider the social context of protest actions. Historical examinations of minority protest create a lucid story of events. These in-depth case studies address various components of minority behavior, such as a movement's organizational structure and the social conditions in which minority protest actions took place. But this rich historical perspective does not always translate well into quantitative studies of protest outcomes. As a consequence, these historical insights are only partially reflected in statistical analyses (or, worse, excluded altogether). If we fail to distinguish the context in which protest activity takes place, we risk treating all protest as monolithic, each event indistinguishable from the next. We require an interdisciplinary theory that takes into account the comprehensive way in which minority protest may exercise an influence on federal government.

Minority Protest as a Continuum of Information

My theory of governmental response is an alternative approach to conceptualizing the impact of minority political behavior that broadens both our view of protest and the framework of citizens' influence. In doing so, my revision of the current narrative shifts from considering specific attributes of political protest that may influence government to demonstrating how these various characteristics combine to offer a

⁷ The term "macropolity" comes from the encompassing work of Robert Erikson, Michael Mackuen, and James Stimson (2002, 427), who successfully expands our understanding of public opinion by focusing collective attitudes across multiple institutions and across a half decade. They term this collective understanding the "macropolity," a concept that I embrace in this book.

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global perspective on issues most affecting racial and ethnic minorities. There are, indeed, gradations of protest actions, and some protests give greater voice to minority concerns and allow them to resonate with governmental officials. But in order to offer a more expansive view of responsiveness, I begin this narrative of protest influence with the politicians who are viewing these actions and their motivations for recognizing minority interests alongside, and at times counter to, majoritarian preferences. To explore this collective response, I embrace a common understanding of the incentive behind minority political protest that is shared by the various politicians across the different national institutions – that is, minority protest actions are informative to politicians, and the information they contain is used to improve governance.

Democratic theory offers a basis for my understanding. If there is a place for minority voices in a democracy, it is likely subordinate to the political preferences of the majority, which convey the “will of the people.” But the will of the majority, as the framers foresaw, can impede the political concerns of minority groups. James Madison acknowledged the potential perils of a strong majority in Federalist 51: “If a majority be united by a common interest, the rights of the minority will be insecure.” The solution to this problem, Madison argued, was to replace direct democracy with representative government.

Within a representative government, political officials must interpret the needs of the people. Madison writes in Federalist 10 that the aim of representative government is to “refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.” In this passage, Madison contends that the role of political representatives is to distinguish between what citizens want and that which is best for the nation. This is an indispensable role of political representatives because it allows government, or, rather, the people who lead, to stand

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against majority preference when minority concerns reflect a more just path.

But how are political officials informed of minority concerns? Even in a representative government, elected officials require cues that will indicate the political preferences of racial and ethnic minorities. Political protest has often served as this cue, and the social context in which protests occur provides signals to politicians about the scope of citizens' activism. By "scope," I refer to the unique attributes of political protest that distinguish one form of citizen behavior from another. A strike involving fifteen random disgruntled employees protesting discriminatory employment practices, for instance, is likely to be perceived differently by politicians than a protest event that is backed by a political organization, involves ten thousand minority citizens marching on a state capital over several days, and ends with a number of arrests or even an unfortunate death. The difference between these two events is the *scope* of the protest actions: the former is small, unorganized, and peaceful, whereas the latter is fairly large, well-organized, and contentious. The scope of protest goes beyond the internal characteristics of political activism, moreover, to include competing protests that advocate the opposing position on a political topic and vie for the attention of government. The social environment that is created and shaped by the scope of political actions has characteristics that also shape political opportunities.

At the most basic level, minority protest informs every branch of government of the importance of racial and ethnic minority concerns, which allows for political innovation. This not only inspires politicians to address new issues but also allows political officials to adapt to the constant evolution of minority appeals. Furthermore, evaluating the context of minority protest allows politicians to prioritize racial and ethnic concerns and rank-order these issues in comparison to the other problems facing the nation. Finally, the competing protest activities conducted on race also guide the government's response: as one side of protest actions cedes issue

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space to another, this directs the course of action a politician should take.⁸

My theoretical approach shifts the focus away from unique, individual characteristics of minority protest to a perspective that combines the multiple facets of political behavior to offer a more complete understanding of citizens' action. More specifically, I reconceive minority protest as a *continuum of information* that indicates the importance of addressing race. This conception casts politicians in a different light: they are not always forced to the bargaining table by extremist activists or held hostage by an uncontrollable crisis situation. Politicians are also strategic collectors of information who offer a response once they have been persuaded that addressing issues of race is in the best interest of the American people.

Defining Governmental Response to a Collective Minority

If government indeed responds to minority political behavior, how can we recognize that response? My interest lies strictly in defining what constitutes a federal governmental response.⁹ I do not want to define this response simply in terms of public policies but rather to try to tap into various stages of the entire policy-making process for each federal institution, which can also include the *potential* for governmental action. Thus, I focus on the rhetoric of politicians, their political decisions, their nonpolicy actions, and the policy results, both for collective institutions and for individual representatives and justices.

⁸ The idea that protest can be informative to politicians has also been seen in the work of Susanne Lohmann (1993), who posits that cues from protest activity has the potential to make "socially invisible" issues politically salient (329). In this light, the collective actions of citizens become a form of communication for politicians (Mansbridge 1994). The work of King and Soule (2007) also express protest as being informative events that influence the stock prices of corporations.

⁹ My reason for doing so is that the federal response has not been given adequate treatment. It also presents the most controversy for scholars, which makes it a problem worth solving.