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The Struggling Class: Replacing an Insider White Female Middle Class Dream With Struggling Black Female Reality

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THE STRUGGLING CLASS: REPLACING AN INSIDER WHITE FEMALE MIDDLE CLASS DREAM WITH A STRUGGLING BLACK FEMALE REALITY

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* Professor of Law, Mississippi College School of Law. My home school provided research grants to support my work on this and other papers. This paper was completed in great part during a semester long academic sabbatical from teaching and service, which I also greatly appreciated. During my sabbatical, I worked on this paper and others while serving as a Scholar-in-Residence at the Fannie Lou Hamer National Institute on Citizenship and Democracy (Jackson State University, Mississippi). Founding faculty Dr. Leslie McLemore and Dr. Michelle Deardorff graciously invited my residency.

All shortcomings in this paper are my own. On the other hand, any positive contributions from this paper resulted from insightful feedback I received from many. I especially appreciate the opportunity to present this work at the spectacular LatCrit XIV Conference, hosted by the American University Washington College of Law, Washington, D.C., on October 1-4, 2009. Also, I presented earlier versions of this paper at the 4th Annual UCLA Critical Race Studies Symposium in the spring of 2010, at the Law and Society Association Annual Meeting, Chicago, in the spring of 2010, at the Southeastern/Southwestern Law Faculty of Color Legal Scholarship Conference hosted by the University of Phoenix School of Law in the spring of 2009, and at the University of Iowa, Obermann Humanities Symposium: From Bourgeois to Boogie: Black Middle-Class Performances, celebrating the fiftieth anniversary of E. FRANKLIN FRAZIER, *BLACK BOURGEOISIE* (1957), insightfully directed by Dr. Bridget Harris Tsemo and Dr. Vershawn Ashanti Young, in October 2007. I also appreciate the comments on a working draft from my dear friend, Lester Ray Archie.

I dedicate this article to my sister, Dr. Loretta A. Moore, and to the soulful life of my devoted mother, Minnie Lee (Perkins Dorsey) Moore. With much patience and kindness, they tirelessly discussed this paper with me, giving wonderful help and support. The faith filled life and dedication of my older brother, Rev. Quincy Charles Moore, Jr., also inspires my struggle.

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I. INTRODUCTION

The theme for the Fourteenth Annual LatCrit Conference was *Outsiders Inside: Critical Outsider Theory and Praxis in the Policymaking of the New American Regime*. When I visualized this theme, I envisioned a house whose occupants inside are the economic and political leaders and powerbrokers of America. These insiders enjoy both the material luxuries of life and the thrill of the power they exude over the masses locked outside.

The ingenious LatCrit conference poster depicted non-white and other politically underrepresented people outside a house with barred windows and doors. These outsiders were pulling open the bars surrounding the house so a few of the outsiders could squeeze in to become insiders. As suggested by this picture, some of the insiders were once outsiders themselves. The question I ponder, then, is, “What is the appropriate role of former outsiders who are now on the inside?”

I propose that the appropriate role for an outsider who is now an insider, is not to sprawl out on plush, white, crushed velvet sofas, sipping vintage wines or imported teas and nibbling at aged cheese and delicate crackers while enjoying being one among a quota or token few that made it to the inside. Rather, the role of a former outsider is to go to work from the inside to dismantle the house, shrewdly using available tools¹ to remove the nails from the walls, loosening the foundation that separates the privileged ones from those who have undeservedly received lesser regard under the same legal structures.

With the former outsiders, now insiders, engaging in this dismantling from the inside *and* with the remaining outsiders dismantling the system from the outside, eventually the walls that divide and oppress will come tumbling down. Instead of insiders living at the expense of outsiders, we will all be persons in America seeking a greater good. The goal of the “outsider revolution,” then, is not to get just a few token outsiders inside the walls of the house. Rather, the goal of this revolution is to take down the walls themselves.

At LatCrit, much focus was directed toward one former outsider, President Barack Hussein Obama, who is now an insider. We discussed

1. See Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16 (1995) (arguing against using the institutions and methodologies that had perpetuated discrimination while attempting to dismantle the system).

what role he should have in dismantling the walls of oppression from his place as an insider in the White House. Remember, he was once an outsider: black, child of a single parent home, named unusually for an American, community activist, married to a black woman, father of black children, racially profiled, and so on. Even his impressive education and white maternal heritage did not automatically grant him insider status.² Since his election he is clearly on the inside, though there are many who seek to eject him from this position.³ Even from the inside, his struggle has not ended.⁴ As we gathered at the conference panels on economic justice, immigrant status, and Latina/o and Black families, we spent much time discussing his duties and obligations to those still outside.

My essay is written in the hope of more widely spreading that responsibility. I agree that President Obama cannot be allowed to sprawl out on the couch now that he is on the inside, as I believe he must be engaged in dismantling the walls. The purpose of my essay, though, is to issue a similar call to action to my readers: middle class people, individuals of color, academics, and legal professionals, who by trade are at least partially inside the house and therefore have a role, as former (or still as partial) outsiders who are now (at least partially) insiders, in bringing down the walls. Our goals should not just be to get a few more outsiders inside.⁵ Rather, our goal should be to work from both outside and inside to bring down the walls of this house that divides, shrewdly dismantling it plank by plank.

Today we have great potential to make major progress on destroying the walls that separate the “haves” from the “have-nots.”⁶ Given the potential

2. See NELL IRVIN PAINTER, CREATING BLACK AMERICANS: AFRICAN AMERICAN HISTORY AND ITS MEANINGS, 1619 TO THE PRESENT 58-59 (2007) (describing how even blacks with a white parent or ancestor were still considered black and therefore slaves, continuing slavery and discrimination).

3. See, e.g., *Berg v. Obama*, 574 F. Supp. 2d 509, 512 (E.D. Pa. 2008) (dismissing a lawsuit attempting to prevent Barack Obama from being allowed to serve as president). See generally Jennifer Haberkorn, *Lawsuit Questions Obama's Eligibility for Office*, *Citizen Claim at Issue*, WASH. TIMES, Aug. 28, 2008, at A21.

4. See, e.g., *Carter Again Cites Racism as Factor in Obama's Treatment*, CNN.COM, Sept. 17, 2009, <http://www.cnn.com/2009/POLITICS/09/15/carter.obama/index.html> (reporting that former President Jimmy Carter believes that the unprecedented animosity and antagonism against President Obama stems from lingering southern racism against blacks).

5. See, e.g., W.E.B. DUBOIS, THE SOULS OF BLACK FOLK 40 (Bantam Classic 2005) (1903) (arguing for proportionate representation as a tool for dismantling systems).

6. See, e.g., R.S.K., *Media Uncritically Repeat Claims That New Haven Firefighters Case Shows Sotomayor is an Activist*, MEDIA MATTERS FOR AMERICA, May 26, 2009, <http://mediamatters.org/research/200905260068> (describing the unfounded criticism facing President Obama's appointment of the first Latina, Sonia Sotomayor, to the Supreme Court).

for change with the election of a black president in America⁷ and the economic challenges of the current recession,⁸ the partial-insider/partial-outsider, middle class person of color must re-conceptualize her identity and help the larger outsider community progress.⁹ Whether the middle class person of color is, or has ever been, up to this task is questionable; for example, the black middle class, especially, has been criticized as a group immobilized in a dream land.¹⁰

This immobilization can happen to any of us who manage to squeeze through the bars to get inside, or who deceive ourselves into thinking that we are inside. Any former outsiders, now insiders or partial-outsiders/partial-insiders, enjoying the benefits of their labor and that of their ancestors, can become unfocused by identifying more with a dreamlike, fantasy-induced view of reality. We can easily be lulled into a stupor that quiets the passion to continue dismantling and continue the struggle to change our own realities and those of the masses to whom we are connected. Unfortunately, by focusing on our insider state and the privilege of our education and employment, we can be seduced into enjoying the walls that divide us from other outsiders. We can also be seduced into thinking we have actually secured an insider seat. So enticed by our desires to be fully seated and comfortable as part of an insider middle class, we can live in denial of the unstable reality of our situation—ignoring that our place is impermanent. We have been allowed just enough of the insider luxuries to discourage us from dismantling the walls, as our outsider kin continue without.¹¹ This disconnect is not unusual. It is indeed both usual and disheartening, as this disconnect can be real or imagined.

7. See Angela Mae Kupenda, *The State as Batterer: Learning from Family Law to Address America's Family-Like Racial Dysfunction*, 20 U. FL. J. L. & PUB. POL'Y 33, 63-64 (2009) (questioning whether President Obama's election will truly change the treatment of minorities).

8. See, e.g., John Ridley, *President Obama's Success Masks Economic Tragedies for Black Men*, HUFFINGTON POST, Mar. 20, 2009, http://www.huffingtonpost.com/john-ridley/president-obama-success_b_177582.html (arguing that the success of President Obama is not representative of the experiences of most black men).

9. See E. FRANKLIN FRAZIER, *BLACK BOURGEOISIE* 68 (1957) (citing W.E.B. DuBois, *THE NEGRO PROBLEM, A SERIES OF ARTICLES BY REPRESENTATIVE NEGROES OF TODAY* (1903)) (arguing that the talented top ten percent of blacks could save the black community).

10. See *id.* at 153, 202 (pointing out that some blacks mortgage expensive and lavish homes in order to create the illusion of wealth).

11. See, e.g., Vincene Verdum & Vernellia Randall, *The Hollow Piercing Scream: An Ode for Black Faculty in the Tenure Canal*, 7 HASTINGS WOMEN'S L.J. 133, 142-46 (1996) (noting that even successful black professors have a different experience than successful white professors and can feel isolated and frustrated by a lack of understanding by their white peers).

I experienced this disconnect myself, between my dream of wanting to be an insider and my reality as a black girl growing up in the Deep South during Jim Crow, an extreme outsider status. All middle class people of color, particularly black middle class people, and other outsider communities experience this disconnect. My essay reflects on my own particular experience as a fiftyish, black woman raised in the Deep South. My guess is that any outsiders inside, regardless of their particular race or gender, can see themselves in my story, although I will tell my story based on my experience of blackness, femaleness, and Southernness, which all together guarantee, it seems, that even when I get a seat inside, it will likely not be a steady one. So, while I am precariously seated inside, I may as well struggle to pull up a few floorboards to dismantle this oppressive house while I am here.

How I came to embrace this struggling insider position is a long story. I will start by telling you about my unmet insider fantasies from childhood.

II. I HAD AN INSIDER DREAM

I had a dream when I was a little girl. It was not a dream of being called “nigger,” a term yelled at me at my high school graduation where I proudly led the graduation march adorned in brand new, all white apparel, and delivered my address with very careful diction as the first black valedictorian of a very white public school.¹² It was not a dream of continuing to endure micro-aggressions based on race and gender as an educated law school professor, assaults hurled even from educated, white, law school professors.¹³ These were, and still are, my realities, and not the dream I had.

When I was a little girl growing up in Mississippi in the Fifties and Sixties, I had a strikingly different dream of what my life could be as an insider. I assumed that I could be an insider: I was smart, inquisitive, had a painfully good heart, and my mother said I was pretty.

So, I dreamed of growing up to become a middle class, privileged white woman.¹⁴ Understand that I did not label my dream in that way; instead, I

12. See Angela Mae Kupenda, *Loss of Innocence*, in *LAW TOUCHED OUR HEARTS: A GENERATION REMEMBERS BROWN V. BOARD OF EDUCATION* 36, 41 (Mildred Wigfall Robinson & Richard J. Bonnie eds., 2009) (detailing how this achievement was nearly stopped by white teachers who attempted to give the award to a white female student with a lower GPA).

13. See Angela Mae Kupenda, *The Obama Election and a Blacker America: Lawfully Creating Tension for Change*, FAULKNER L. REV. (forthcoming 2010) (manuscript at 10, on file with author) (noting the Court’s use of the Constitution to limit affirmative action holding it racially discriminated against whites).

14. See Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondence Through Work in Women’s Studies*, in *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* 291, 293 (Richard Delgado & Jean

called it growing up: having a family life with a big home like the ones I saw the white families living in on television shows such as *Leave It to Beaver*, driving a fancy station wagon full with my smart and happy children, and going on trips as a family, even swimming and riding in boats.¹⁵ A well-off, kind, handsome husband was assumed in my daydreams, though never visibly present.

III. IS THIS GLIMPSE OF THE STRUGGLING CLASS REALLY A NIGHTMARE?

Instead of growing up to live this white female middle class insider dream, I grew up in a struggling black female outsider reality. As a law professor, to some extent I am an insider, given my education and middle class income. However, the class, gender and race dynamics I experience, are the result of a lack of inherited wealth and an inhibiting lack of racial and gender equality.¹⁶

Because of these dynamics, I am a partial-insider/partial-outsider. These realities lead to my participation in a black, middle-income group that engages in great struggle. I even struggle with what to call this group despite the fact that it is my own. Is this middle class group the “outsiders inside,” which reflects our continuing role as an outsider even on the inside? Or are we, “former outsiders, who are now insiders,” which means we may reject our past role as outsiders and embrace only our new role as insiders?¹⁷ Or are we “partial-outsiders/partial-insiders,” which reflects the dual identity W.E.B. DuBois described years before?¹⁸ Or perhaps we are sometimes outsiders and sometimes insiders, trapped in a dangerous revolving door of the insider house? Although all of these possible characteristics are worth exploring, I prefer a simpler designation for outsiders, like myself, who have limited access to the inside of the house.

Stefancic eds., 1997).

15. See *Palmer v. Thompson*, 403 U.S. 217, 226-27 (1971) (5-4 decision) (upholding the decision of Jackson, Mississippi, to close down all public pools which the city would have been forced to integrate, accepting the city’s argument that the pools were suddenly in disrepair).

16. See, e.g., Angela Mae Kupenda et al., *Donning Judicial Robes, Cloaking Racial Views: Judicial Speech on Matters Involving Race, Especially on the Jena Six*, 36 S.U. L. REV. 207, 229-31 (2009) (criticizing the Mississippi Supreme Court’s decision to force a black female trial judge to recuse herself for mentioning that white male attorneys had difficulty following orders from black female judges).

17. Jerome McCristal Culp Jr.-Biography, <http://www.law.du.edu/latCrit/JeromeMcCristal.htm> (last visited June 10, 2010) (remembering Professor Culp as one who “emphasized the need for groups working together in solidarity to make sacrifices. His question, ‘How do we come to participate in the struggle of those who are not us?’ remains an important starting point for the coalition work that is at the core of the LatCrit project.”).

18. See DUBOIS, *supra* note 5, at 3 (describing the double consciousness of blacks in America: identifying oneself as both an American and a Negro).

I prefer to coin this middle class group of people of color as “the struggling class,” because a major characteristic of this group is its struggle. This group struggles diligently along with the colored masses, at times against the lifestyle of colored bourgeoisie, often against the white power structure, and endlessly with its own struggle.

This “struggling class” was first tentatively recognized many years ago by the highly acclaimed, severely reviled, and brilliant sociologist E. Franklin Frazier. Over fifty years ago, E. Franklin Frazier published a provocative book titled the *Black Bourgeoisie*.¹⁹ In his book, he criticized the bourgeoisie, black middle class for living a make-believe life filled with conspicuous consumption and extravagant lifestyles,²⁰ while owning little real wealth and being out of touch with their racial reality and that of the black masses.²¹ His fact-based criticism of the black middle class engendered much criticism from both blacks and whites.²²

Frazier admitted, though, that his examination of the black middle class was incomplete. The imagined black middle class is more complicated than the surface reveals. This is not just a group of blacks who earn less income than middle class whites earn and lack the unearned wealth and power that whites possess. It is also not just a group, according to Frazier, who focus more on the appearances of wealth and prestige, performing externally, for whites to see by flauntingly displaying the material trappings of success,²³ while experiencing disconnect from the black masses and from the white power structure.²⁴ Rather, this is a class with overlooked black middle class sub-groups, such as the struggling class explored here, which have both depth and complexity.

This struggling class shines light on the common, flawed assumption that most black middle class participants either are in the black bourgeoisie middle class (the group that Frazier criticizes) or are in the class with poor black masses who are often depicted as working class or welfare-receiving, single parents with children.²⁵ However, this assumption is quite

19. FRAZIER, *supra* note 9.

20. *See id.* at 195-203, 229 (criticizing the “leaders” in black society for focusing on parties and social galas).

21. *See id.* at 51-59, 216-29 (reporting the minimal number of black owned banks, and how small they are in comparison to the vast banking structure).

22. *See id.* at 1-4 (remembering the anger from a leading black fraternity that cancelled an invitation for the author to speak about his book and how white bookstores refused to sell his book because of its controversial nature).

23. *See id.* at 195-203, 229 (mocking the expenditures of the black bourgeoisie on expensive jewelry, gowns, mink coats, chauffeured Cadillacs, and debutante balls).

24. *See id.* at 51-59, 216-29 (reporting on the fears of black bourgeoisie of competition with whites).

25. *See* Deborah Jones Merritt & Barbara F. Reskin, *Sex, Race, and Credentials: The Truth about Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199,

incomplete. Even E. Franklin Frazier admits that his own book failed to address the struggling class, stating:

There is, however, an important aspect of the development of the new Negro middle class that might have been included in this book and certainly could not be omitted from a more detailed study. I am referring to the most recent ascensions to the Negro middle classes who are prominent in the sit-ins and in the other protest movements against racial segregation. They do not have the same social background as the black bourgeoisie in my study that represents a fusion of the peasant and the gentlemen. Although they have been influenced to some extent by the genteel tradition, on the whole their social background is essentially that of the Negro folk. Very seldom can they or their parents claim ancestors among the mixed-blood aristocracy which was free before the Civil War.²⁶

This struggling class is not a part of the make-believe middle class that Frazier criticizes, who are not fully insiders but try to pretend that they are through luxurious living beyond their means. The struggling class is not a part of the white power structure firmly or deceptively rooted as insiders, nor is it a part of the masses with little education²⁷ or little, if any, privilege, who are generally outsiders. This group is separate from all of those groups, for this group is characterized by its struggle along with, or even against, all of these groups. Moreover, this group is characterized by the difficulties it faces when dealing with its own struggle.

Members of the struggling class, outsiders who are inside, have a unique role, as they can raise challenges to insider-generated policies in ways that those outside cannot.²⁸ The struggling class can fill a unique role, for as outsiders who are on the inside, they can appropriately tell other insiders, “You lie” when challenging insider created policies.²⁹

For example, I’m a lawyer and have studied the law for almost twenty years. Although I believe in the potential of the law to bring about revolutionary change for blacks and other oppressed groups, I know the law still has limits and can be as imperfect as those who make, interpret, or

295 (1997) (collecting authorities documenting these stereotypical assumptions).

26. FRAZIER, *supra* note 9, at 6.

27. See, e.g., David Hall, *Katrina: Spiritual Medicine for Political Complacency and for Social Activists Who are Sleepwalking*, 23 HARV. BLACKLETTER L.J. 1, 3-4 (2007) (discussing black illiteracy rates, for example in New Orleans).

28. See Deborah L. Brake, *Retaliation*, 90 MINN. L. REV. 18, 71 (2005) (noting that outsider criticism receives greater resistance, and members of a community are in a better position to challenge that community’s prevailing norms).

29. Cf., e.g., Kathy Kiely, *Obama Accepts Wilson’s Apology for Outburst*, U.S.A. TODAY, Sept. 5, 2009, available at http://www.usatoday.com/news/washington/2009-09-09-obamareax_N.htm (recounting the incident where Republican Congressman Joe Wilson, inappropriately and inaccurately, yelled “You Lie” at President Obama during his 2009 State of the Union address).

enforce the law. Although many think of the law as objective and rational, I know it is not. The law has a bias and derives from a viewpoint that, unfortunately, often is not objective or rational on issues implicating race, gender and class. Often judges cannot see beyond their own limited insider experiences to consider rationally and impartially other groups who are historically and consistently denied such insider status.

For example, in a group of cases called *The Civil Rights Cases*,³⁰ the all white, male 1883 United States Supreme Court openly displayed its partiality toward whites and its bias against blacks, even middle class blacks who could afford the expenditures or luxuries that whites could. These cases were decided after the Reconstruction Congress sought to help blacks achieve equality in this country by passing legislation outlawing racial discrimination against blacks in public places, such as dining and lodging establishments.³¹ The Court, however, blocked this advancement by declaring the legislation unconstitutional.³² The Court ruled that Congress lacked the power to eliminate private racial discrimination pursuant to the Thirteenth Amendment that ended public and private slavery. The Court essentially held that racial discrimination by private individuals, even in the late 1800s, was not a badge and incident of slavery and suggested that if the Negroes thought differently it was all in their heads.³³ The Court concluded by saying that in 1883, it was time for the former slaves to “cease[] to be the special favorites of the law.”³⁴ As a result, even blacks and other struggling class members with middle class income were blocked access to insider luxuries, or even services, they could afford.

Even in later cases, and though some later judges were more sympathetic to the plight of blacks, the Court let it be known that it saw the white race as the dominant race in intelligence and character for all time. In *Plessy v. Ferguson*, decided in 1896, the Court upheld the separate but (un)equal doctrine.³⁵ One Justice, however, dissented: the first Justice John Marshall Harlan, who was, interestingly, a former slaveholder.³⁶ Nevertheless, even

30. 109 U.S. 3 (1883).

31. *See id.* at 9 (describing the purpose of the Civil Rights Act: to protect the civil and legal rights of all citizens and ensure full and equal enjoyment of public accommodations).

32. *See id.* at 25 (holding that the Constitution did not grant Congress powers to legislate for the several states).

33. *See id.* (holding that discrimination and exclusion for public accommodations had no effect on the status of an individual as a free person).

34. *Id.*

35. 163 U.S. 537, 543 (1896) (holding that a law which creates a legal distinction between the races based on color does not impact the legal equality of the two races).

36. *Id.* at 563 (Harlan, J., dissenting) (opining that the Louisiana state law at issue violates the spirit and letter of the Constitution).

as this white man took a courageous stand to urge for integration in public spaces, he demonstrated his partiality to whites. After stating that segregated public places should not be tolerated legally, he expressed his own inconsistent and biased personal views on race, by stating:

The white race deems itself to be the dominant race in this country. And, so it is, in prestige, in achievements, in education, in wealth, and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage, and holds fast to the principles of constitutional liberty. But, in view of the Constitution, in the eyes of the law, there is in this country no superior, dominate, ruling class of citizens.³⁷

More recently, the law has consistently ignored the existence of the struggling class generally and the existence of a black female struggling class more specifically. The Court either addresses racial discrimination or gender discrimination, and does not acknowledge those exponentially affected at the intersection of race and gender.³⁸ Therefore, the struggling class knows that the law, standing alone, consistently comes up short in addressing their plight even when they periodically gain access as outsiders to the inside.

IV. GO BACK TO SLEEP AND DREAM SOME MORE, THE HARD COLD FACTS ARE TOO DARN HARD AND COLD

It is no surprise that members of the struggling class who make it inside may deny the calling to maintain a connection to outsiders, preferring to remain a partial insider, fighting for any scrap of recognition from insiders, rather than using their unique status to dismantle the walls of oppression from the inside. To be active in dismantling would require an acknowledgment of their true life situation, and facing the hard, cold facts is difficult. Topics of race and gender make us feel angry, or defensive, or too sad to think clearly.³⁹ This can happen to any of us—it even happened

37. *Id.* at 559.

38. See, e.g., Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365, 371-72 (1991) (asserting that racism and sexism are “interlocking, mutually-reinforcing components of a system of dominance rooted in patriarchy”); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 140 (1989) (concluding that categorizing discrimination on a single-axis framework “erases Black women in the conceptualization”); Judy Scales-Trent, *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*, 24 Harv. C.R.-C.L. L. Rev. 9, 42-44 (1989) (describing the author’s internal struggle to reconcile asserting her rights as both black and a woman); Wilma Williams Pinder, *When Will Black Women Lawyers Slay the Two-Headed Dragon: Racism and Gender Bias?*, 20 PEPP. L. REV. 1053, 1060-61 (1993) (explaining that black women face the more acute problem of having to overcome both race and gender biases).

39. See DUBOIS, *supra* note 5, at 179 (recognizing that confronting race issues made characters unhappy: “does it make everyone . . . unhappy when they study and

to me.

As I read E. Franklin Frazier's book, criticizing the black middle class as wannabe insiders, I found myself agreeing with almost all he presented. Nevertheless, about halfway through the book, I became very angry and frustrated and did not quite know why. I later discovered the source of my discomfort: though I agreed with his life stories and statistics, sometimes the actual truth lacks compassion. What is missing in his book is a compassionate view of the conspicuous consumption and other reality-denying actions of the black middle class bourgeoisie. What is missing from the truth as told by Frazier is a compassionate understanding of how many outsiders inside never dismantle a single wall, as they spend much of their time working hard pretending to be and look like the white insiders.

Compassion teaches us that we must be more understanding of their actions, as it is easy to slip into focusing on trying to appear equal and accepted, especially when confronted by inferior harsh economic and social realities. Frazier's hard life stories, on the contrary, take an uncompassionate view of the conflict that members of black middle class, and others of color, face in trying to appear to have more wealth and prestige and yet get, unfortunately, even less equality.

The following are a couple of stories from my own life experiences growing up in Mississippi in the Sixties to illustrate how blacks can easily get forced into appearances, rather than effectuating changes in reality, and why these experiences must be viewed through a more compassionate lens than we normally use when we are viewing life as we live it.

V. WHEN THE OUTSIDER REALITY IS TOO OVERWHELMING, SLEEPWALKING MAY SUFFICE

When I was a little black girl, we were not well off financially. However, compared to other blacks in our community, we lived on a middle income. My parents were smart, skilled workers with strong work ethics, but often because of my father's personal conspicuous consumption, my mother and we children wore clothes old and worn. When we went out to town, though, especially if we were going to go where whites would be, my mother insisted that we put on our best. When I would ask why we could not go barefoot to the Woolworth's store or dollar store at the shopping center as the little white kids did, my mother would tell me, "You've got to look better. You always must look the best that you can."

The attempt to preserve dignity in order to refute the widely spread message that blacks are unclean,⁴⁰ unintelligent, impoverished, and so on,

learn lots of things?").

40. See Posting of Milan Sova to The Weave Blog http://students.stlawu.edu/theweave/index.php?option=com_myblog&show=Barack-

can lead to conspicuous and excessive material purchases and consumption.

In my daily life as a black girl in Mississippi, the white families I saw seemed to live in big houses and drive fancy cars. At night, I could see their houses were beautifully furnished, for the whites always seemed to have their lights on and window curtains drawn open to show off the inside of their beautiful homes to those outside. Moreover, the few whites I saw up close seemed to stand tall and straight. They had some power that made people of my color jump off the sidewalk to allow them to pass, that made even grown, tough men, like my dad, put their heads down and shuffle.

My insider white female middle class dream developed as I watched this white power and privilege in action. As I said, my most frequent inspection of whites would happen when we would drive as a family to the grocery store on Friday night. My father would get off of his job as a cement finisher and bathe in detergent with bleach to scrub the hardened cement from his body. Then we had to drive to a parking lot to sit and wait in the car, until his white boss arrived to give my father his pay. The white man was always late. My father and this white man had started out working together to build a business, pushing wheelbarrows and mixing the cement by hand. Somehow, the white man became the boss and came to be called, "Mr." while he called my father just "Q.," not even using his full first name.

One day I told my father he should call the white man by his first name, and if he was too scared to try I would do it. My father was infuriated, and said something about whipping me with his belt before his voice weakly trailed off. My mother shot me a look and gently touched my father's arm. For the rest of that evening, I sensed a special connection, or knowing, between them about what I had said. Today, I sorrow upon remembering my words, as I realize that they acutely and painfully verbalized the lack of power my father had against his white boss. Soon after that, my parents stopped taking us children on the drives to get the pay envelope. I learned that although I had studied whites and blacks, there was a lot I did not know yet.

My life as a black girl was quite different from the future insider life I dreamed for myself as a middle class, privileged white woman. I dreamed of living in a big, pretty house, with the curtains boldly drawn open at night to show off the lovely furniture. In real life, though, we lived in a shotgun house, with the curtains closed tightly at night.⁴¹ Our furnishings were not

Obama-the-quot-clean-quot-black-man.html&Itemid=32 (Feb. 26, 2009) (examining whether it is race, religion, or status that makes Barack Obama a "clean" black man).

41. A shotgun house is a house where the rooms are in a straight line so a person can walk through the front door into the front room and straight out the back door without turning any corners.

the French provincial style advertised on television, they were plain but clean. Also, we usually put a sheet over the sofa to cover the worn upholstery. While the whites left their curtains open at night, we closed ours. I wondered why their private home life was left open for any casual observer to see while ours remained private.

In addition to wanting my future home to be like that of whites, I dreamed of going on family outings to swim in the sparkling, public swimming pools, like the ones where I watched the white children play. In reality, black children were not allowed in these pools, they were for “whites only,” although my parents paid taxes for those pools, too. When the laws were forced to change, the city closed the pools, stating that the pools needed too much maintenance work. When they reopened the pools, the white city leaders had sold them to a private white club, so the pools became “whites only” again.⁴²

Clearly then, my dream of growing up living the life of the whites I saw was a long way from the reality I lived. So, as I aged and noticed races and colors even more, I was determined to find out about the mystery and power of whites so I could make my dream come true. This information, I thought, was my key to growing up to live the insider life they lived: middle class, privileged with white power.

Therefore, I was ecstatic when I overheard my parents discussing an upcoming bus ride to visit my grandparents in Port Gibson, Mississippi. My parents whispered about the whites who would be passengers on the bus and how to avoid trouble, they whispered about the special preparations we needed to make for this trip, including our attire and our behavior. My parents discussed how they would instruct us on proper behavior. They said something to the effect that they did not want to explain to us everything that was going on. I later learned that they did not want to tell us about the protests happening in Mississippi.

These protests were frightening the whites and making them even more dangerous toward blacks. The Freedom Riders were also coming to Mississippi to protest for desegregating the buses, since at the time blacks were still forced to sit in the back of the buses.⁴³ I knew that blacks and

42. See A.K. Sandoval-Strausz, *Travelers, Strangers, and Jim Crow: Law, Public Accommodations, and Civil Rights in America*, 23 LAW & HIST. REV. 53, 82 (2005) (describing Southern state legislatures’ use of privatization to preserve racially separate facilities in the wake of challenges to Jim Crow laws).

43. See generally Janis L. McDonald, *Heroes or Spoilers? The Role of the Media in the Prosecution of Unsolved Civil Rights Era Murders*, 34 OHIO N.U. L. REV. 797, 800-01 (2008) (describing the civil rights movement progress on the heels of the activities of the Freedom Riders); James E. Pfander, *Brown II: Ordinary Remedies for Extraordinary Wrongs*, 24 LAW & INEQ. 47, 69-70 (2006) (recounting consequences in state courts face by the Freedom Riders); Anders Walker, *From Ballots to Bullets: District of Columbia v. Heller and the New Civil Rights*, 69 LA. L. REV. 509, 515-16 (2009) (discussing generally the Freedom Riders).

even some whites were fighting for equality, for I had seen glimpses of this on television. Whenever the national news played these stories the local stations seemed to black out the channel and my parents would become furious, saying, “They are trying to keep Negroes in the dark!” When the station resumed, the local news would continue and sometimes a white man would be on television calling blacks “monkeys” and saying we should all be sent back to Africa.⁴⁴

At the time I did not understand what was happening. I would retreat to the back room to play with my white dolls and the one black doll my uncle, who was in the military, had managed to buy somewhere and mail to me. I know now why my parents were planning so carefully for this bus ride, they didn’t want their smart mouthed children to end up like Emmett Till.⁴⁵ But at the time it happened, I was so confused and so very curious.

VI. THIS IS WHAT HAPPENS TO A DREAM DEFERRED⁴⁶

All of the preparations my mother and father were whispering about made this bus ride sound quite exciting. We already had enjoyed riding in our car to Port Gibson to visit my parents’ families. During the Civil War, Union soldiers called Port Gibson the city that was too beautiful to burn.⁴⁷ Large, white antebellum houses lined the main streets, and still do today. But, this trip involved more than just visiting the family in the country, playing with my cousins, napping in the tree swings, and trying to overhear the “girl talk” of my mother, her mother, and sisters as they washed our clothes with homemade lye soap and hung them on the clothes line.

My parents were talking about the important work my Uncle Buddy, Rev. James Dorsey, was doing in Port Gibson. They whispered about the NAACP, how Uncle Buddy was the local president and what they were doing to get the white merchants and political leaders to treat the blacks equally and to allow them to vote.⁴⁸ Uncle Buddy and his church were at the forefront of this movement.⁴⁹ After hearing all this talk, I knew that

44. See, e.g., THE ASSOCIATED PRESS, *Cartoon said to Link Obama to dead chimp*, MSNBC.COM, Feb. 18, 2009, <http://www.msnbc.msn.com/id/29263781/?GT1=43001> (noting that even our current President cannot escape this labeling).

45. See PAINTER, *supra* note 2, at 267 (describing the brutal murder of a fourteen-year-old boy who allegedly whistled at a white woman in the South).

46. Langston Hughes, *A Dream Deferred*, in BLACK VOICES: AN ANTHOLOGY OF AFRO-AMERICAN LITERATURE 430, 430-31 (Abraham Chapman ed., 1968).

47. Angela Mae Kupenda, NAACP v. Claiborne Hardware, 458 U.S. 886 (1982), in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 350 (David S. Tanenhaus ed., 2008).

48. See *id.* at 351 (detailing how Rev. Dorsey’s church was a location for meetings in furtherance of a non-violent economic boycott against white merchants’ stores who employed discriminatory practices).

49. See EMILYE CROSBY, A LITTLE TASTE OF FREEDOM: THE BLACK FREEDOM

this trip would be memorable.

The dressing preparations alone were memorable. My father had to stay behind to work, but my mother, my brother, and I were dressed up for the trip. I wore a beautiful dress with layers and layers of slips and prickly petticoats that reached knee length to show off my lacy socks and shoes. My black patent leather shoes were shiny and so clean. My mother went to the beauty shop to get her hair curled, and wore a pastel, starched, fitted dress that showed off her tiny waist. My brother was well dressed, too, looking nice and handsome. For this bus ride to Port Gibson, we were all looking good and much wealthier than we actually were.

Nevertheless, I had not realized just how memorable this bus ride would be. Over forty-seven years later, I acutely remember what happened on the bus ride, despite trying to forget. What happened made me begin to doubt whether my dream of growing up to become an insider, middle class, privileged white woman with white power could ever come true.

I was so excited to travel that morning. I loved the excitement of traveling and how nice we looked, but mostly I was excited about this close and prolonged encounter with whites. I wanted to fill in the blanks in my insider dream with specifics of how to make it come true. I knew I could grow up to be like the white, privileged women: they were well dressed, and I was also exquisitely adorned. They must be smart to have such power, and I was smart as well. After all, I attended kindergarten, could sing and could recite Bible verses from memory. I also walked straight and tall, as my mother always instructed us to. I wanted to get to know these whites and surely, I thought, they would want to get to know me. My insider dream was going to become a reality with the additional information about whites that I expected to receive. I was curious about those pale, uncolored pinkish faces that lacked the variety of skin colors we had in my family, which in spite of their paleness seemed to carry such authority.

Therefore, when we boarded the bus in downtown Jackson, Mississippi, and I saw whites up close, I was anxious to talk with them. However, my mother carried us farther and farther into the back of the bus. "Mama, Mama," I cried loudly, "Why are we going all the way back here?" She whispered loudly, it seemed, for the whites to hear her, "Darling, if we go back here, there is more room. You and your little brother can have a seat to yourselves. Then when you get tired, you can put up your feet and take a nap." The pale, momentarily reddened, white faces seemed relieved for some reason. I knew there was something more behind my mother's firm

STRUGGLE IN CLAIBORNE COUNTY, MISSISSIPPI 102-07 (2005) (emphasizing the role that churches played to advance the NAACP's agenda and to motivate the participants by providing an energetic and uplifting environment).

look and pleading smile she gave me, and I remembered the promise I had made to obey her without question so I smiled and skipped myself to the back of the bus. She knew we were still not allowed by law to sit up front, but she wanted me to hold on to my sense of self-importance and equality, even my very life, for as long as a little black girl in Mississippi possibly could.

A few hours later at a station stop, an old, stooped, white man boarded the bus selling sandwiches. “Mama,” I cried again in my loud voice, “I want one of those.” The white man would not have sold a sandwich to blacks, but my mother again tried to preserve my sense of dignity by not telling me this. She whispered softly this time, “Darling, those sandwiches are cold, old, and stale. They will make you sick. I’ve packed some hot, fried chicken and buttery, sweet potato pie for your snack.” Denying a beautiful black child the right to sit up front in the crowded area and the right to buy old stale sandwiches was indeed degradation. This forced segregation and state sanctioned degradation was not declared unlawful until later.⁵⁰

That day, I knew my dream was shattered, though I did not understand why, and I couldn’t put the pieces of my dream together again, no matter how hard I tried. As I grew up, I came to understand more what happened that day. Though I was smart, I could never be a white, privileged, middle class woman. Though my grades were the highest in my predominantly white high school, when debating who should be valedictorian some of my white teachers still argued that a rich white girl should have the honor instead of me. My black teachers told me to watch my step, to smile at the whites more, and to laugh at the white coach’s racist jokes, so I would not appear angry like Angela Davis.⁵¹ Some of the white teachers were already calling me “a little Angela Davis,” privately amongst themselves and once, accidentally, to my face in class. They thought that beneath my quiet, studious, and serious exterior was a developing radical.⁵²

At that time, my parents were separated and my mother was struggling financially to raise six children alone while battling health problems. When I told my mother about the problems at school, she told me to start writing my valedictorian speech because God was going to make sure I

50. See, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241, 261-62 (1964) (upholding the Civil Rights Act granting all people equal access to public accommodations regardless of race).

51. See Anthony P. Farley, *The Apogee of the Commodity*, 53 DEPAUL L. REV. 1229, 1241 n.26 (2004) (listing works pertaining to prominent members of the Black Panther movement, including Angela Davis).

52. See Verna L. Williams, *The First (Black) Lady*, 86 DENV. U. L. REV. 833, 833-34 (2009) (noting how even First Lady Michelle Obama was depicted on the cover of an issue of *The New Yorker* as a “1970’s Angela Davis, complete with a monumental Afro, semi-automatic weapon, and burning flag”).

would not be cheated out of the award I deserved. And, she was right. After the grades were calculated, I was named the first black valedictorian in 1974. She later told me that she had called the school's principal and threatened the whites with the NAACP and Uncle Buddy if I did not get the award I deserved. My aunt, a college graduate and high school English teacher, helped me write my speech. My black teachers made me cry as they pushed me to practice perfect diction and wondered aloud if it would be good enough to please the crowd of southern whites who would be in attendance, though many used very bad diction themselves.

The dream of being a middle class, white female has always eluded me. I have spent most of my life as a student or a teacher. I have studied and taught at historically black and predominantly white schools, ivy league and lower tier schools, northern and southern schools, public and private schools, with the rich and with the poor. From watching how the white students and teachers generally receive better attention, respect, even better salaries, I came to see that my dream of having white power and of being a solidly insider, middle class, privileged, white woman would never happen.

When I studied Risk and Insurance in an Ivy League program, I was more concerned about how changes in Social Security would hurt the elderly than I was concerned with helping insurance companies realize more profits, as some of my white, rich classmates were. When I worked as a teacher, I was more concerned with admitting smart students into our program with strength of character and work ethic; rather than some of my white peers who wanted to admit students whose parents were socialites. I learned that I would rather spend my time helping others, like the disabled and the economically disadvantaged, to achieve and live better lives, than spending time at cocktail parties or tea parties.

Moreover, I learned that I could not obtain white power because I am not white. I now know I will never realize my dream of becoming a member of the insider, white female middle class, so I have spent the latter part of my now fifty-three years trying to discover with what I have replaced that dream.

VII. SO, WELCOME TO THE STRUGGLING CLASS

It seems that I have replaced my dream of being an insider in the white female middle class with struggle. As I was writing this essay, I had a conversation with one of my southern white female colleagues about the middle class. I told her that I could never truly be an insider, as part of the American middle class. She replied, "Yes you can, just join the right *black* clubs and attend the right *black* parties and events" (she emphasized the word *black*). My white associate missed my point. To be fully a part of the insider, middle class means equality, wealth, and power for me as a

person and for black and other people of color as a group. Projecting the appearances of being more successful by attending black cotillion clubs and events, does not in itself mean that one has wealth and power and has truly become a member of a larger, economically empowered, middle class.

I struggle against the very same white power structure that at one time I wanted to join by writing honestly and forthrightly about race. One of my often kindly, former white bosses who had read one of my essays told me that I should just write about how far the races have come and stop focusing on how far we have to go. He lamented that my writing is not “happy” writing. Moreover, after one of my brothers was killed in a workplace accident several years ago, a white administrator said I should spend less time working to achieve equality for others and more time playing, because life is too short, as illustrated by my brother’s early death. I explained to him, that contrary to his analysis of the symbolism of my brother’s death, my brother (a retired teacher) literally worked (he died helping my father’s brothers on a construction site) and preached (he was a minister at the time of his death) about the struggle for racial equality until his days were done and always encouraged me in my struggle, too. Furthermore, his short life proves that it is more expedient for me to keep struggling for a better form of equality for those who come after me. This same successful white man argued I should give up on having wealth and asset accumulation similar to some of my white colleagues, as he subtly justified my lack of salary equity.

Although I responded confidently to him, I must admit that dealing with my own struggle is not easy. At rare times I yearn for the days of my youth, when I did not understand as much, and relished in my vivid dreams of being a white, middle class, insider, privileged woman living in a pretty house and driving a fancy station wagon with smart, happy children to the park to play in the sparkling water of a swimming pool. The woman I dreamed I would become had no worries that her children would have to face a world where they would be seen and treated as lesser individuals because of the color of their skin.

Nevertheless, my story and life do not stand in isolation from others’ experiences. My life, my experiences as a black girl and woman, struggling in a white society, has found its way into literature—becoming the themes of literature by other black women. My own story, and replacing my unrealized dream, is analogous to the story of a character in Bebe Moore Campbell’s book, *Your Blues Ain’t Like Mine*, and how she, too, replaced her unrealized dream with her own struggling reality.⁵³

53. See generally BEBE MOORE CAMPBELL, *YOUR BLUES AIN’T LIKE MINE* (1992) (narrating fictional events from the pre-civil rights era in the American rural South to events after the civil rights era in the North such as street gangs).

VIII. WAKE UP, AND SEE YOURSELF IN SOME FICTION

In her book, Campbell presents a fictionalized story of the lives of several people in the Fifties, as a rural Mississippi community reacts to impending school desegregation.⁵⁴ The character who reminds me of members of the struggling middle class is Ida. Ida has a dream of a better life for herself and her young son away from the hard economic and racial times in Mississippi. Ida does not just dream, she works hard to fulfill her dreams and support her family. All the while, she guards and nurtures her dream of taking her son away on a train to build a better life.

Although not well off and perhaps poor, Ida struggles to help others. She struggles to carry on traditions passed down from her mother, to earn the income needed to support the family, including her younger siblings and to help younger black members of her community stay on track. She cannot focus her energy solely on her future and her dreams, as she feels responsibility for the masses of her people who are even less fortunate than she is. Ida has nightmares and hallucinations after the death of a boy that she feels she could have prevented, demonstrating her deep sense of responsibility for and her connection to her black community.

Ida also struggles with those who place image over reality. She feels sad for those who allow material possessions to turn them away from things that truly matter.⁵⁵ It is not the ownership of luxuries that is a problem, rather allowing the pursuit of possessions to become more important than self-advancement and advancing others towards full equality. Ida's character reveals that a person must liberate herself from believing material trappings create equality, and instead struggle towards a position in life based on true freedom and equality.

IX. REPLACING THE DREAM WITH A STRUGGLING CLASS REALITY

Like Ida, the struggling class battles against the white world on which their livelihood depends. Ida seeks the help of liberal whites, but it hurts her to know that they will only support her to a point. Ida discovers that she is actually the daughter of a white man, an illegitimate mixed race child, who has been disowned almost from birth. Despite her blood, Ida is still unable to attain equal treatment and those who had treated her well suddenly feel threatened. Some insider whites are engaged in their own inner moral and racial struggle. While some whites feel morally inclined to give handouts, charity or welfare, to poor blacks, they resist giving full equality to blacks by resisting supportive measures or programs that would

54. *See id.* at 62.

55. *Id.* at 260-62 (detailing one character's realization that the material luxuries surrounding her mean nothing without social equality).

put blacks on equal status and suddenly place them in competition for the unearned resources that white insiders claim as their own.

Like Ida, the struggling class has a strange kinship with insider whites. They might work in predominantly white settings, live in predominantly white communities, and be privy to white thoughts on race. It is as if white blood runs in their veins, as they are linked to the insider white community and have a limited amount of power that their education and positions garner. Like Ida, their struggle is to learn to embrace the part of this insider kinship that can help them advance and help the cause of equality, yet at the same time reject the insider part that breeds a false sense of superiority and disconnect from the masses.

Perhaps with all these struggles, what most greatly bonds Ida to the struggling class is struggling with her struggle. Ida realizes that the previous manifestation of her struggle, her dream to create a better life for herself and her son, must be replaced by the new struggle of building a better life for her son, for she does not concede this part of her dream, and the black community. Although she does not succeed in leaving, she helps her son leave and build a better life. He gets out, goes to college, and ultimately returns and joins Ida in the civil rights struggle to dismantle oppressive walls. Ida also accepts her commonality with whites and symbolically embraces her struggle for a rightful share by vigilantly pursuing her inheritance from her white biological father. Ida ceases to struggle with struggling and instead accepts her place in the struggling class with the fervor of a life-calling.

Like Ida, I replaced my dream of being in the white female, insider middle class with embracing my role in the struggling class. I replaced my dream of richly funded leisure with a proud reality of struggle. I struggle against the white power structure. I struggled as a black child growing up in Mississippi once I saw my racial reality, and I struggle as a black professor in a predominantly white school by helping more underrepresented people become legal professionals. Though I work in white establishments, I am not a part of the white power structure. Like the black bourgeoisie, racism and even sexism prevents my advancement. Unlike the black bourgeoisie, I resist accepting the agendas that whites urge on me. I am faced countless times with white bosses or co-workers trying to persuade me to give up my visible struggle, and accept a white relegated "place" within their system.

The struggling class' struggle is magnified by our resistance to the struggle. Our resistance is intensified by our frustration that we lack the leisure and wealth, as our color prevents us from enjoying and truly becoming a part of the American middle class. I am a member of the struggling class and I am proud. For it is when one fails to struggle, when

one gives in to consumption as a substitute for progress, when one gives in to tokenism as a substitute for equality, and when one gives into hopelessness as a substitute for the revolution of the masses, it is when one fails to struggle that one in fact fails. Therefore, the purpose of this paper is to encourage the struggling class to embrace struggle as an aspiration, as a calling, to move America toward realness and equality. So then, what is real can be more real than misplaced dreams.