REVIEW ESSAY

Race-Consciousness Versus Colorblindness in the Selection of Civil Rights Leaders: Reflections upon Jack Greenberg's *Crusaders in the Courts*

CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT FOR THE CIVIL RIGHTS REVOLUTION. By Jack Greenberg† New York: Basic Books, 1994. Pp. xxii, 634. $30.00.

Reviewed by Jonathan Feldman‡

INTRODUCTION

The white male civil rights lawyer faces two quandaries regarding his career.[1] The first pertains to self-interest: given that the lawyer's majority-group status renders him an "outsider" within the cause he has chosen to serve, will he be able to advance his career satisfactorily, or will the top rungs of the career ladder be closed to him? The second quandary poses a moral and philosophical question: given that the lawyer wants to help

† Professor of Law, Columbia University School of Law.

‡ Adjunct Professor, Seton Hall University School of Law; Associate Counsel, Community Service Society of New York. B.A., 1985, Oberlin College; J.D., 1988, New York University. The views expressed in this Review Essay are my own and do not necessarily reflect the views of the Community Service Society. I am grateful to Professor Margaret M. Russell of Santa Clara University School of Law for her valuable comments upon an earlier draft.

1. I refer to white males because, as a group, they are relatively advantaged, which renders them "outsiders" within civil rights organizations. *See generally* Anthony V. Alfieri, *Practicing Community*, 107 HARV. L. REV. 1747 (1994) (reviewing GERALD P. LOPEZ, REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE (1993)). In some circumstances, however, white females might also be viewed as outsiders. *See generally* Pamela J. Smith, Comment, *We are Not Sisters: African-American Women and the Freedom to Associate and Disassociate*, 66 TUL. L. REV. 1467 (1992). Although the career quandaries I describe would apply to anyone who could be considered an "outsider" within his or her chosen cause, Black-white relations are the frame of reference for this Review Essay, due to the centrality of the Black experience in civil rights struggles, *see* Alan Freeman, *Antidiscrimination Law: The View from 1989*, *in* THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE 121, 147 n.1 (David Kairys ed., 2d ed. 1990), and because Black-white relations are the frame of reference for the book I am examining.

I capitalize the term "Black" in this essay to recognize that the term does not merely refer to skin color but to a heritage, culture, and personal identity. *See* Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1332 n.2 (1988). I do not capitalize the term "white" because I do not feel that the term bears parallel significance. *See* James S. Liebman, *Desegregating Politics: "All-Out" School Desegregation Explained*, 90 COLUM. L. REV. 1463, 1465 n.3 (1990) (expressing "personal distaste for the capitalized 'Whites' ").

underrepresented groups (e.g., African-Americans) attain greater political and economic power, can he justify his pursuit of the top civil rights jobs, or should he refrain from this pursuit as inconsistent with his broader goal of advancing the causes of underrepresented groups?

As a white civil rights lawyer myself, I have wrestled with these issues, and I turned for guidance to Jack Greenberg's autobiographical account of the civil rights movement, *Crusaders in the Courts*. Greenberg is undoubtedly the most illustrious white civil rights lawyer of our time. Although other whites have made significant contributions to the civil rights movement (for example, Morris Dees of the Southern Poverty Law Center[2] and Ralph Neas of the Leadership Conference on Civil Rights[3]), none has approached Greenberg's career in terms of its breadth, longevity, and importance.

In 1949, long before "public interest law" was an established career path, Greenberg joined the staff of the NAACP Legal Defense and Educational Fund (LDF), where Thurgood Marshall was director-counsel. In 1961, when Marshall was appointed to the Second Circuit, Greenberg succeeded him, at Marshall's request. Greenberg remained as director-counsel of LDF until 1984, when he joined the faculty at his alma mater, Columbia Law School. In his 35 years at LDF, Greenberg helped to achieve some of the civil rights movement's greatest legal victories, including *Brown v. Board of Education*,[4] *Griggs v. Duke Power Co.*,[5] and *Coker v. Georgia*.[6] The legal strategies which led to these victories, and the lawyers and judges who were involved, are described insightfully and entertainingly in *Crusaders in the Courts*.

Greenberg's book does not fully explore, however, the issue of his race. He confesses that, early in his career, he worried that his race might prove an impediment to advancement within LDF (p. 91). Yet once offered the position of director-counsel, Greenberg accepted and apparently never looked back. During his tenure as director-counsel, questions were raised periodically regarding the legitimacy of a white person heading LDF,[7] but Greenberg dismisses these concerns as misguided. He maintains that as long as he was truly committed to the civil rights movement and had the necessary experience and skills, his race was irrelevant to the propriety of his leading a civil rights organization (pp. 27-28, 294-98, 502-04).

Because Greenberg is reluctant to view his race as an issue, he does not address directly the question of whether race-consciousness or color-

2. *See generally* MORRIS DEES & STEVE FIFFER, A SEASON FOR JUSTICE: THE LIFE AND TIMES OF CIVIL RIGHTS LAWYER MORRIS DEES (1991).

3. *See Head of Civil Rights Group Plans to Resign*, N.Y. TIMES, June 9, 1994, at A21.

4. 347 U.S. 483 (1954) (holding *de jure* segregation in public schools unconstitutional).

5. 401 U.S. 424 (1971) (holding disparate impact upon minorities sufficient to state claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17 (1988)).

6. 433 U.S. 584 (1977) (holding capital punishment for rape unconstitutional).

7. *See infra* text accompanying notes 29-30.

blindness should control in the selection of civil rights leaders. Since the approach selected might affect the success of the civil rights movement,[8] it is unfortunate that *Crusaders in the Courts* does not confront the issue squarely.

I suggest that a race-conscious approach to choosing civil rights leaders might be more important today than it was during the 1950s and 1960s.[9] When Greenberg was appointed as director-counsel, overt racial discrimination and oppression were very much alive, and the civil rights movement wisely embraced "colorblindness" as the strategy to overcome white supremacy.[10] In such times, nominating a white person to lead a Black organization made sense; it represented the ultimate act of colorblindness and demonstrated to the world that civil rights activists selflessly practiced what they preached.[11]

Today, however, times have changed, and colorblindness is no longer synonymous with the quest for racial equality. While overt racial discrimination has decreased[12] (thanks in no small part to Greenberg's and LDF's

8. *See infra* text accompanying notes 55-73.

9. Another commentator reviewing *Crusaders in the Courts* has similarly endorsed a race-conscious approach. Book Note, *White Knight,* 108 HARV. L. REV. 959 (1995) (reviewing JACK GREENBERG, CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT FOR THE CIVIL RIGHTS REVOLUTION (1994)). This commentator, however, fails to recognize that the utility of such an approach must be viewed in historical perspective. Because the commentator overlooks the very different circumstances that existed in the 1950s and 1960s as compared with today, the commentator erroneously assumes that permitting a white person to lead a Black organization has always been inappropriate. As explained below, however, colorblindness formed an important part of civil rights strategy during the 1950s and 1960s, and the failure to acknowledge this fact causes the commentator unfairly to reject the legitimacy of Greenberg's tenure at LDF. *See* Paul Finkelman, *The Color of Law,* 87 NW. U. L. REV. 937, 941 (1993) (reviewing ANDREW KULL, THE COLOR-BLIND CONSTITUTION (1992)) (stating that current proponents of race-conscious policies must acknowledge that colorblindness represented "an older civil rights strategy which historically was the goal of many nonwhites").

10. *See* Finkelman, *supra* note 9, at 941, 945; Barbara J. Flagg, *"Was Blind, but Now I See": White Race Consciousness and the Requirement of Discriminatory Intent,* 91 MICH. L. REV. 953, 1013 (1993).

11. *See* Gary T. Marx & Michael Useem, *Majority Involvement in Minority Movements: Civil Rights, Abolition, Untouchability,* 27 J. SOC. ISSUES 81, 98 (1971) (finding that certain civil rights organizations encouraged white participation because of "an ideology that defined interracial cooperation as an end in itself").

12. *See, e.g.,* RHODA L. BLUMBERG, CIVIL RIGHTS: THE 1960S FREEDOM STRUGGLE 40 (rev. ed. 1991) (pointing to the elimination of *de jure* segregation in the South as a liberating victory for African-Americans). *But see* Peggy C. Davis, *Law as Microaggression,* 98 YALE L.J. 1559, 1576 (1989) (noting the prevalence of "microaggressions—stunning, automatic acts of disregard that stem from unconscious attitudes of white superiority and constitute a verification of black inferiority"). Moreover, overt discrimination remains a serious problem in certain contexts. For example, persons of color continue to be disproportionately targeted for police detentions. *See* Dwight L. Greene, *Justice Scalia and Tonto, Judicial Pluralistic Ignorance, and the Myth of Colorless Individualism in* Bostick v. Florida, 67 TUL. L. REV. 1979 (1993); Sheri L. Johnson, *Race and the Decision to Detain a Suspect,* 93 YALE L.J. 214 (1983); *see also* Margaret M. Russell, *Entering Great America: Reflections on Race and the Convergence of Progressive Legal Theory and Practice,* 43 HASTINGS L.J. 749, 759-66 (1992) (describing discriminatory uses of "gang profiling," under which young persons of color are assumed to be gang members and subjected to discrimination and police harassment solely because of their race and manner of dress).

efforts), whites retain substantial advantages over Blacks in terms of political and economic power.[13] To advocate pure colorblindness today, therefore, is at best ineffective and at worst institutionalizes the status quo.[14]

Colorblindness produces formal equality: all are treated the same under law, regardless of race. When the races are so far apart in terms of wealth and power, however, *substantive*, rather than formal equality, is required in the form of active assistance provided to Blacks.[15] Race-conscious measures are needed, in other words, to increase minorities' political and economic power and to erase the lingering effects of past societal discrimination.[16] As explained below, a race-conscious approach to selecting civil rights leaders can aid this effort. However, a completely race-conscious approach to white participation, in which whites would play no role, seems extreme and counterproductive.[17]

A modified or "weak" race-consciousness,[18] in which Blacks retain control and leadership of the movement but whites are allowed meaningful participation, would seem the best approach for today's climate. Greenberg has demonstrated beyond question that whites can make substantial and sustained contributions to the civil rights movement, and the potential for continued valuable participation should not be foreclosed.

Nevertheless, more than ever, strong leadership is needed within communities of color to counteract the backlash against civil rights both within the courts[19] and within the nation at large.[20] Besides advancing the cause

13. *See infra* notes 40-41 and accompanying text.

14. *See, e.g.*, T. Alexander Aleinikoff, *A Case for Race-Consciousness*, 91 COLUM. L. REV. 1060, 1062 (1991); Jerome M. Culp, Jr., *Colorblind Remedies and the Intersectionality of Oppression: Policy Arguments Masquerading as Moral Claims*, 69 N.Y.U. L. REV. 162, 171-72, 188 (1994); Freeman, *supra* note 1, at 124-26; *see also infra* text accompanying notes 42-46.

15. *See* Freeman, *supra* note 1, at 126 (noting that the civil rights movement sometimes "look[s] back and celebrate[s] [its] success, while ignoring the objective reality of poverty and inequality that remains the pervasive legacy of racism").

16. *See infra* notes 47-50 and accompanying text.

17. *See infra* notes 56-59 and accompanying text.

18. The term "weak race-consciousness" is inspired by Professor Aleinikoff's use of the term "weak color-blindness." *See* Aleinikoff, *supra* note 14, at 1078-79. I am speaking of an approach which adheres to the basic goals of race-consciousness, *see infra* text accompanying notes 47-50, but departs from the purest (nationalist) form of the doctrine by contemplating a role for whites. *See infra* notes 56-59 and accompanying text.

19. *See, e.g.*, Miller v. Johnson, 115 S. Ct. 2475 (1995) (mandating strict scrutiny for redistricting plans which rely primarily on race as the rationale for creating majority-Black districts); Adarand Constructors, Inc. v. Pena, 115 S. Ct. 2097 (1995) (mandating strict scrutiny for federal programs which establish set-asides for "disadvantaged individuals," when such programs contain a presumption that racial minorities would fall within this class); Missouri v. Jenkins, 115 S. Ct. 2038 (1995) (holding it improper to create incentives for white suburban students to transfer voluntarily to an urban school district in order to remedy segregation within that district); Shaw v. Reno, 113 S. Ct. 2816 (1993) (requiring strict scrutiny for redistricting plans which create unusually-shaped majority-Black districts); City of Richmond v. J. A. Croson Co., 488 U.S. 469 (1989) (requiring strict scrutiny for local ordinances which establish set-asides for minority contractors).

20. Affirmative action, for example, is being attacked on number of fronts, particularly in California. *See* B. Drummond Ayres Jr., *Conservatives Forge New Strategy to Challenge Affirmative Action*, N.Y. TIMES, Feb. 16, 1995, at A1 (describing a California ballot initiative which would

of self-determination, strengthening minority leadership is crucial strategically, for a person of color can more easily achieve the legitimacy and grass-roots support necessary for waging a triumphant battle.[21] Because Black leaders are potentially subject to discrimination and white leaders are not, the former can form bonds with their Black supporters based on a shared experience.[22] They can also instill pride in the Black community by serving as role models—as did Thurgood Marshall, for example, whose photograph was displayed in the offices of Black lawyers throughout the country.[23] In these times, therefore, whites committed to civil rights should make every effort to support the candidacies of minority leaders, rather than seeking to serve as leaders themselves.

I

CRUSADERS IN THE COURTS

In *Crusaders in the Courts*, Greenberg traces the legal history of the civil rights movement during his tenure at LDF. Greenberg emphasizes the leading role that LDF played in the movement; indeed, LDF was involved as counsel or *amicus* in virtually all of the prominent civil rights cases of the time. LDF's long crusade for school desegregation[24] is well-known, but Greenberg reminds us that LDF made a similar contribution to the fight to eliminate capital punishment and succeeded, after many years, in having capital punishment for rape declared unconstitutional.[25] LDF was also active in combatting employment discrimination, and toward this end secured a broad Supreme Court interpretation of the leading federal anti-discrimination statute.[26] Nor did LDF restrict itself to bringing impact

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eliminate affirmative action in that state); Richard Bernstein, *Moves Under Way in California to Overturn Higher Education's Affirmative Action Policy*, N.Y. TIMES, Jan. 25, 1995, at B7 (describing the events which led to a vote by the Regents of the University of California to abolish affirmative action). On the national level, Congress has suggested that federal affirmative action requirements should be reassessed or rescinded. *See* Steven A. Holmes, *Backlash Against Affirmative Action Troubles Advocates*, N.Y. TIMES, Feb. 7, 1995, at B9; Steven A. Holmes, *Programs Based on Sex and Race Are Challenged*, N.Y. TIMES, Mar. 16, 1995, at A1; Todd S. Purdum, *Senator Deals Blow to Affirmative Action*, N.Y. TIMES, Mar. 10, 1995, at A16.

21. *See* Marx & Useem, *supra* note 11, at 89-90.

22. *See White Knight*, *supra* note 9, at 964.

23. *Id.* (quoting Derrick A. Bell, Jr., *A Question of Credentials*, HARV. L. REC., Sept. 17, 1982, at 7).

24. *See generally* RICHARD KLUGER, SIMPLE JUSTICE (1975); MARK V. TUSHNET, THE NAACP'S LEGAL STRATEGY AGAINST SEGREGATED EDUCATION, 1925-50 (1987). Greenberg's discussion of the legal strategies culminating in Brown v. Board of Education is still useful, particularly his clear summary of the debate regarding whether the framers of the Fourteenth Amendment intended to reach segregation (pp. 183-88).

25. Coker v. Georgia, 433 U.S. 584 (1977). For decades prior to *Coker*, Southern white supremacists' hysteria regarding interracial sex caused capital punishment for rape to be imposed disproportionately upon Black men accused of raping white women. A number of the accused were almost surely innocent (pp. 93-102, 140-49, 256-59, 440-48).

26. *See supra* note 5 and accompanying text. The *Griggs* doctrine was significantly narrowed by Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989) (requiring an increased showing by an

cases: during the 1960s, LDF scrambled to defend civil rights demonstrators who were arrested for marching, picketing, and "sitting-in" at segregated facilities.

Despite LDF's success in obtaining sweeping precedents barring segregation, virtually every Southern state and municipality refused to accede unless sued. LDF undertook the labor-intensive task of bringing lawsuit after lawsuit in the South to force compliance. Greenberg's accounts of the constant plane trips and hotel stays elicit admiration for the tenacity of the lawyers and activists involved. His skillful use of anecdotes brings alive the personalities of those who participated—from Thurgood Marshall and Marian Wright Edelman to Leon Panetta and even Ed Koch. Greenberg reveals the human side of such well-known figures with humor and grace. It is fascinating, for example, to view Martin Luther King, Jr. as Greenberg viewed him—not as a larger-than-life figure, but as a client to be counselled within the boundaries of the lawyer-client relationship.[27]

Although Greenberg paints a vivid picture of the many people that he encountered during his civil rights cases, both friend and foe, he is more reticent about turning the spotlight on himself, particularly regarding the sensitive subject of his race. For example, Greenberg writes that when the *New York Times* announced his appointment as director-counsel under the headline, "N.A.A.C.P. Names a White Counsel," he was disappointed that "the *Times* chose to focus on the least relevant aspect of my persona" (pp. 296-97).[28]

Despite Greenberg's desire that his race be viewed as irrelevant, the issue arose periodically during his tenure at LDF, particularly when Greenberg was at odds with LDF staff or with the NAACP, LDF's "parent" organization with which it had a tumultuous relationship. For example, when Greenberg refused to allow LDF formally to represent Angela Davis, the English professor accused of participating in a violent "Black Power" incident, some pointed to Greenberg's race as cause to question his

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employee to prove disparate impact sufficient to state a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17 (1988)), *see* Freeman, *supra* note 1, at 138-40, but was restored by the Civil Rights Act of 1991, 42 U.S.C. § 2000e-2(k) (Supp. V 1993). *See* Peter M. Leibold et al., *Civil Rights Act of 1991: Race to the Finish—Civil Rights, Quotas, and Disparate Impact in 1991*, 45 RUTGERS L. REV. 1043, 1083 (1993).

27. For example, Greenberg was consulted after a federal judge prohibited King from going forward with the now-famous march in Alabama from Selma to Montgomery. Greenberg informed King of the potential consequences of marching but did not advise him not to march. The march eventually proceeded with the court's approval (pp. 354-62).

28. In addition to downplaying the issue of his race, Greenberg downplays the issue of his ethnicity (pp. 50-53) (he is Jewish, as am I), an approacb which I believe is justified. Despite the complexity of Black-Jewish relations, *see generally* JONATHAN KAUFMAN, BROKEN ALLIANCE: THE TURBULENT TIMES BETWEEN BLACKS AND JEWS IN AMERICA (1988), the status of whites within civil rights organizations turns overwhelmingly on race, rather than ethnicity. In other words, I believe that it is whiteness which renders one an outsider within a civil rights organization, while a white person's ethnicity has very little, if any, effect on making that person more or less of an outsider.

commitment.[29] Similarly, when the NAACP and LDF were feuding, one NAACP leader remarked publicly that "no one yet has ever explained to me why a white lawyer should be leading the Legal Defense Fund" (p. 483). Although Greenberg shrugs off such remarks, he clearly does not feel that they are fair or justified.

The incident which most irritated Greenberg, and understandably so, was the 1983 boycott of his civil rights course at Harvard Law School (pp. 502-04). When Greenberg and Julius Chambers, who succeeded Greenberg as director-counsel of LDF, arrived to teach the course, Greenberg was picketed by several student organizations, and Black law students boycotted the course. Greenberg views the boycott as a disrespectful and racially motivated attack on his legitimacy as a civil rights leader. One can well empathize with his sense that he was wronged; given his many years of devotion to the civil rights movement, the students' boycott of his course seems remarkably misguided.

On balance, however, the students' actions were directed much less at Greenberg personally than at Harvard's lack of progress in hiring minority faculty.[30] To the students, the hiring of a white civil rights professor was the ultimate example of the school's indifference to the goal of diversity. Although Greenberg was without question an unfair victim, the students' grievances were not with Greenberg but with the law school.[31]

Nevertheless, the boycott had the unmistakable effect of focusing national attention on Greenberg's race and the role of whites within the civil rights movement.[32] By 1983, that issue had grown considerably more complex than it had been in 1961, when Thurgood Marshall named Greenberg as his successor. The "colorblind" ideal, so crucial to civil rights advocacy in the 1950s and 1960s, was no longer sufficient to combat racial

29. *See* Derrick Bell, Letter to the Editor, 3 CIV. LIBERTIES REV. 7 (1976).

30. *See* KAUFMAN, *supra* note 28, at 118-23; Randall L. Kennedy, *Racial Critiques of Legal Academia,* 102 HARV. L. REV. 1745, 1756-58 (1989).

31. The issue of whether race-consciousness or colorblindness should control in the hiring of civil rights scholars and publication of civil rights scholarship has generated much debate. Professor Randall Kennedy has criticized the race-conscious approach, arguing that the potential value of white contributions is too great to exclude whites from serving as civil rights scholars. Kennedy, *supra* note 30, at 1794-95, 1812-13. Although I obviously cannot disagree that white voices should have the chance to be heard, it is equally difficult to disagree that, in the interests of fairness and self-determination, minority civil rights scholars should be afforded greater job opportunities, respect, and recognition. *See generally* Derrick Bell, *Strangers in Academic Paradise: Law Teachers of Color in Still White Law Schools,* 20 U.S.F. L. REV. 385, 391-95 (1986) (describing the difficulties faced by minority professors in white-dominated law schools); Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature,* 132 U. PA. L. REV. 561, 566-68 (1984) (arguing that civil rights scholarship is dominated by whites and that such scholarship would benefit from increased contributions from persons of color); Mari Matsuda, *Affirmative Action and Legal Knowledge: Planting Seeds in Plowed-Up Ground,* 11 HARV. WOMEN'S L.J. 1 (1988) (arguing that affirmative action is needed in legal scholarship to increase diversity of viewpoints).

32. *See, e.g., Blind Pride at Harvard,* N.Y. TIMES, Aug. 11, 1982, at A22; Christopher Edley Jr., *The Boycott at Harvard: Should Teaching Be Colorblind?,* WASH. POST, Aug. 18, 1982, at A23; Randall Kennedy, *On Cussing Out White Liberals,* NATION, Sept. 4, 1982, at 169.

injustice.[33] If a race-conscious approach, which leads to substantive, rather than mere formal equality, is, in fact, needed to advance civil rights, it becomes difficult to justify a colorblind approach to choosing civil rights leaders.

In *Crusaders in the Courts,* Greenberg endorses a colorblind approach to selecting civil rights leaders, but does not provide sufficient justification for this choice. He implies that such a colorblind approach is *always* appropriate, but fails to explain why it is still as appropriate today as it was in the 1960s. The book's failure to explain this conclusion adequately is a significant shortcoming. Greenberg does not view the selection of civil rights leaders as a civil rights issue, and this decision to divorce the issue of choosing civil rights leaders from the larger question of achieving racial equality presents several problems.

First, as a factual matter, Greenberg's insistence that LDF has always adopted a purely colorblind approach to selecting its leaders overstates the case. In commenting upon his appointment as director-counsel, Greenberg stresses the support he received within the Black community and the community's perception that the fight for racial equality required a colorblind approach in all matters (pp. 294-98). Yet even in 1961, at the height of colorblindness' appeal within the civil rights movement, the appointment of a white person as LDF director-counsel was questioned by some within the Black community.[34]

Although Greenberg's appointment was more controversial than he concedes, he is largely correct in believing that LDF's allegiance to the colorblind ideal aided his appointment. He is on shakier ground, however, when he maintains that LDF's search for a director-counsel in 1992 was motivated by the same commitment to colorblindness (pp. 7-8). By this time, colorblindness was no longer a central tenet of the civil rights movement.[35] Moreover, in view of the Black community's desire for self-determination,[36] it is unlikely that LDF would have selected another white director-counsel so soon after Greenberg's tenure.[37]

Second, because Greenberg assumes that the race of civil rights leaders has no bearing on their performance, *Crusaders in the Courts* does not explore whether this is actually the case or whether white civil rights lawyers might pursue substantive agendas differing from those of Black civil rights lawyers. For example, Greenberg's account of the Angela Davis affair suggests that whites indeed might have a different substantive agenda.

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33. *See infra* part II.

34. *See* KAUFMAN, *supra* note 28, at 102-03; Kennedy, *supra* note 30, at 1757 n.49.

35. *See* Finkelman, *supra* note 9, at 945 (pointing to a shift in the movement in the late 1960s and early 1970s, during which time the movement first embraced the race-conscious remedy of affirmative action).

36. *See supra* note 34 and accompanying text; *infra* text accompanying notes 60-62.

37. The position of director-counsel was awarded to Elaine Jones, who is a person of color (p. 470).

Greenberg's reluctance to represent Davis stemmed in part from his perception that to do so would bolster the "separatist" movement, insofar as Davis was linked with Black nationalists (pp. 402-07). One cannot help but wonder whether a Black director-counsel might have been more sympathetic toward Black nationalism and therefore taken a different approach to the case.[38]

Although I tend to agree with Greenberg that, in fact, ideological approaches need not be a function of race and that progressive whites and Blacks often share the same agenda,[39] it would have been helpful had Greenberg explored this issue more explicitly. In the absence of adequate explanation, Greenberg's belief that the race of civil rights leaders has no bearing on their substantive approach may leave many readers unconvinced.

Finally, Greenberg's assumption that a colorblind approach to choosing civil rights leaders is *always* appropriate is especially problematic when compared with his own race-conscious approach to affirmative action. Greenberg has consistently supported affirmative action, even as other white liberals turned against it (pp. 461-69). Concededly, support for affirmative action is not necessarily inconsistent with a colorblind approach to choosing civil rights leaders. A race-conscious approach can be endorsed in the affirmative action context, with the aim of helping excluded groups gain representation, while eschewed in the context of choosing civil rights leaders; there, presumably, minorities are already well-represented.

Nevertheless, the quest for affirmative opportunities for Blacks and the quest for Black self-determination are not so unrelated that support for one, yet not the other, should go unexplained. Greenberg does not explore the possibility that his views might contain internal contradictions. For example, in criticizing certain Jewish organizations' opposition to affirmative action, Greenberg points out that they "didn't realize that they were leading the fight against a policy of paramount importance to blacks and antagonizing black leadership by opposing policies through which a large part of that group—or their relatives and friends—was achieving success" (pp. 463-

38. *See* Gary Peller, *Race Consciousness*, 1990 DUKE L.J. 758, 800-02, 835-44 (describing support for Black nationalism within certain segments of the Black community, as contrasted with the movement's "near-total rejection by whites," *id.* at 835).

39. It is unlikely that progressive whites will subscribe to a substantive agenda which differs materially from that of progressive non-whites within the organization. Even Greenberg, who sometimes adopted a more conservative approach than others within LDF, was by and large in tune with LDF goals and methods. For example, although Greenberg came under fire for his conservative approach to the Angela Davis case, *see supra* text accompanying note 29, as well as his aversion to any association with the National Lawyers' Guild, which he saw as too closely affiliated with Communism (pp. 349-53), his approach differed little from that of Thurgood Marshall. Marshall advocated a cautious, incremental approach to social change, *see* Peller, *supra* note 38, at 814 n.115, and he steered clear of affiliations with Communism. *See* MICHAEL D. DAVIS & HUNTER R. CLARK, THURGOOD MARSHALL: WARRIOR AT THE BAR, REBEL ON THE BENCH 239-40 (1992). As another case in point, although some white liberals opposed affirmative action, the more progressive Greenberg strongly supported it, which squared with the LDF agenda (pp. 461-69). *See also* KAUFMAN, *supra* note 28, at 117-18.

64). That is a fair statement, but would not a similar rationale call for a race-conscious approach to choosing civil rights leaders? Just as affirmative action is of great importance to Blacks and benefits large numbers, African-Americans have a strong interest in establishing Blacks as civil rights leaders. The civil rights arena provides Blacks with a crucial opportunity for developing Black leadership, and because many Blacks identify with civil rights leaders, a large part of the group is affected. Yet Greenberg does not endorse race-consciousness in that context.

It might be asking too much of Greenberg, who has been so personally affected by the issue, to explore in a disinterested manner the question of race-consciousness versus colorblindness in the selection of civil rights leaders. Yet, by raising the Angela Davis affair, the issue of affirmative action, and the Harvard boycott, Greenberg has "opened the door" to this issue, and the questions raised by the book remain unanswered. *Crusaders in the Courts* provides a fascinating and valuable account of the civil rights movement, but it surely would have benefitted by tackling those crucial questions head-on. In an attempt to grapple with these issues, I discuss the advantages and disadvantages of a race-conscious approach to choosing civil rights leaders below.

II

RACE-CONSCIOUSNESS VERSUS COLORBLINDNESS IN THE SELECTION OF CIVIL RIGHTS LEADERS

In general, any consideration of the appropriateness of race-conscious approaches should proceed from the recognition that Blacks, as a group, historically have been underrepresented in Congress[40] and are less well off than whites in virtually every category of economic well-being.[41] In many cases, race-conscious approaches appear superior to colorblind measures in their ability to address inequality.[42] Colorblind approaches seek only to remove explicit racial barriers in such areas as housing, employment, edu-

40. For example, prior to the 1992 elections, North Carolina had not had a Black member of Congress since 1901, and Louisiana had not had Black Representatives since the Reconstruction. Anthony Q. Fletcher, Note, *White Lines, Black Districts*—Shaw v. Reno *and the Dilution of the Anti-dilution Principle,* 29 HARV. C.R.-C.L. L. REV. 231, 233 n.15, 254 n.138 (1994); *see also* Frank R. Parker, *The Mississippi Congressional Redistricting Case: A Case Study in Minority Vote Dilution,* 28 How. L.J. 397, 414 (1985) (noting that in 1985, there were only two Black members of Congress from the South, and none from Mississippi, the state with the highest percentage (35%) of Blacks of any state in the nation). In 1992, due in part to the creation of majority-Black districts pursuant to the Voting Rights Act, the nation elected thirty-nine Black members of Congress, the largest number ever. *See* Culp, *supra* note 14, at 182. However, these electoral gains are tenuous because of recent legal attacks on such redistricting efforts. *See infra* notes 65-67 and accompanying text.

41. *See* Aleinikoff, *supra* note 14, at 1065-66, 1115; Culp, *supra* note 14, at 167; Flagg, *supra* note 10, at 954-56.

42. *See* Culp, *supra* note 14, at 194-95; Peller, *supra* note 38, at 844-47.

cation, and voting.[43] These approaches cannot counteract ingrained racial barriers such as bloc voting by whites, under which whites who form an electoral majority only vote for white candidates;[44] or political gerrymandering, under which redistricting for "facially neutral" political purposes ensures that whites retain electoral power.[45] Nor can a colorblind approach fully address systemic economic inequality; after explicit barriers have been removed, Blacks remain ensconced in a system in which they have fewer family or social connections to wealth, and in which white flight and urban neglect (viewed as "benign" because there is no explicit discrimination by government) produce urban schools and neighborhoods which are underfunded and *de facto* segregated.[46]

Race-conscious measures, on the other hand, afford Blacks affirmative opportunities and benefits.[47] The Voting Rights Act,[48] for example, requires that states afford minorities an equal opportunity to participate in the electoral process, regardless of whether a state has intended to erect barriers to voting.[49] Similarly, lawsuits challenging the disparate funding and *de facto* segregation existing between predominantly minority city school systems and predominantly white suburban school systems[50] can

43. *See* Aleinikoff, *supra* note 14, at 1096-97; Flagg, *supra* note 10, at 1014 (arguing that the colorblind approach fails because the explicit use of racial classifications is no longer the principal vehicle of racial opppression).

44. *See* Parker, *supra* note 40.

45. *See* Fletcher, *supra* note 40, at 249-53.

46. *See generally* JONATHAN KOZOL, SAVAGE INEQUALITIES (1991).

47. Although the Supreme Court has grown increasingly hostile to race-conscious measures which aim to achieve racial equality, *see supra* note 19, the government retains some power to adopt such measures. The states may adopt such measures if race is not the sole or predominant factor underlying the governmental action, Miller v. Johnson, 115 S. Ct. 2475, 2492 (1995); Shaw v. Reno, 113 S. Ct. 2816, 2831 (1993); Regents of the Univ. of Cal. v. Bakke, 438 U.S. 265, 310-19 (1978), or if founded in the desire to remedy documented past discrimination, City of Richmond v. J. A. Croson Co., 488 U.S. 469, 491-93 (1989). If these same conditions are present, the federal government may also adopt race-conscious measures which strive for racial equality. Adarand Constructors, Inc. v. Pena, 115 S. Ct. 2097, 2117 (1995).

48. 42 U.S.C. §§ 1973 to 1973aa-6 (1988).

49. *See* Aleinikoff, *supra* note 14, at 1111-12. To be sure, recent Supreme Court opinions have required strict scrutiny of certain majority-Black districts created pursuant to the Voting Rights Act. *Miller*, 115 S. Ct. at 2490; *Shaw*, 113 S. Ct. at 2832. However, even in the context of redistricting, the Voting Rights Act retains some vitality, for majority-Black districts can still be created if race is not the sole or predominant motivating factor. *Miller*, 115 S. Ct. at 2497 (O'Counor, J., concurring). In other contexts, the Voting Rights Act retains much of its potency. For example, it allows minorities to challenge at-large voting schemes in multimember districts where such schemes weaken minority voting strength. *See* Brenda Wright, Johnson v. De Grandy: *Mixed Messages on Equal Electoral Opportunity Under Section 2 of the Voting Rights Act*, 3 D.C. L. REV. 101, 128 (1995) (discussing Thornburg v. Gingles, 478 U.S. 30, 46-51 (1986)); *see also* Chisom v. Roemer, 501 U.S. 380, 403 (1991) (6-3 opinion, with a majority comprised of Justices Stevens, White, Marshall, Blackmun, O'Connor, and Souter) (allowing plaintiffs' claim alleging that a scheme for electing state judges dilutes minority voting strength in violation of the Voting Rights Act, on the ground that "the Act should be interpreted in a manner that provides the broadest possible scope in combatting racial discrimination") (quoting Allen v. State Bd. of Educ., 393 U.S. 544, 547 (1969)).

50. *See* Jenkins v. Township of Morris Sch. Dist., 279 A.2d 619 (N.J. 1971) (finding that the Commissioner of Education could order a suburban school district to merge with an urban district as

foster greater metropolitan-wide equality, regardless of whether intentional racial discrimination is the cause of the current inequality.

Despite the general utility and desirability of race-conscious approaches, the need for such measures is not always so clear, and in some situations a colorblind approach, or at least a "weaker" form of race-consciousness, may be appropriate. For example, a race-conscious approach to economic justice would call for "reparations" to be awarded to African-Americans, as compensation for the centuries of economic and social harm inflicted by slavery and discrimination.[51] In contrast, a colorblind anti-poverty program that afforded housing, jobs, or medical care based on need, rather than race, might be more politically feasible, and might still benefit Blacks to the extent that they were included in the program.[52] A more difficult example of the potential need for a colorblind approach is the case of transracial adoption (the adoption of Black children by white families). A race-conscious approach would bar transracial adoption, on the grounds that such adoptions could damage the child's sense of racial identity and sense of connection to the Black community.[53] A colorblind approach would permit transracial adoption, on the grounds that the opportunity to be raised within any family would benefit the child's development and should take precedence over the child's racial consciousness.[54]

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remedy for *de facto* segregation); Board of Educ. of Englewood Cliffs v. Board of Educ. of Englewood, 608 A.2d 914 (N.J. Super. Ct. App. Div. 1992) (ordering the state education commissioner to study the feasibility of merging two suburban school districts with an urban district as a remedy for *de facto* segregation), *aff'd*, 625 A.2d 483 (N.J.), *cert. denied*, 114 S. Ct. 547 (1993); *see also* Abbott v. Burke, 575 A.2d 359, 411 (N.J. 1990) (*Abbott II*) (striking down state school funding scheme as applied to poorer urban districts, noting that "[o]ur large black and hispanic population is more concentrated in poor urban areas and will remain isolated from the rest of society unless this educational deficiency in the poorer urban districts is addressed"). In Connecticut, however, where a lawsuit contended that underfunding of Hartford schools and *de facto* school segregation between Hartford and surrounding suburbs violated the state constitution, a lower court found that state action was lacking. Sheff v. O'Neill, No. CV89-0360977S, 1995 Conn. Super. LEXIS 1148 (Apr. 13, 1995). The case was appealed to the state supreme court, and oral argument before that court was held on September 28, 1995. A decision is pending.

51. *See* Rhonda V. Magee, Note, *The Master's Tools, From the Bottom Up: Responses to African-American Reparations Theory in Mainstream and Outsider Remedies Discourse*, 79 VA. L. REV. 863 (1993) (analyzing the historical legal treatment of the concept of reparations for minority groups injured by society as groups, with a special focus on African-Americans); Peller, *supra* note 38, at 808-09 (noting that Black nationalists have tended to view racial justice in terms of reparations); *cf.* Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 362-97 (1987) (discussing reparations for Japanese-Americans and Native Hawaiians).

52. *See* Aleinikoff, *supra* note 14, at 1116; WILLIAM J. WILSON, THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY 110-11 (1987). *But see* Culp, *supra* note 14, at 180 ("If we eliminate poverty, we will not eliminate racism for the precise reason that racism was not the focus of the attack. . . . Programs to eliminate poverty, for example, may reach 'poor' people, but may not always help the truly disadvantaged in the inner cities.").

53. *See* NATIONAL ASS'N OF BLACK SOCIAL WORKERS, POSITION PAPER (1972), *quoted in* Twila L. Perry, *The Transracial Adoption Controversy: An Analysis of Discourse and Subordination*, 21 N.Y.U. REV. L. & SOC. CHANGE 33, 42, 46 & n.47 (1993-94).

54. *See* Elizabeth Bartholet, *Where do Black Children Belong? The Politics of Race Matching in Adoption*, 139 U. PA. L. REV. 1163, 1254-56 (1991); Joan Mahoney, *The Black Baby Doll: Transracial*

I raise these examples not to take sides on these issues, but to show that, in some cases, a colorblind approach might reasonably be viewed as just or strategically desirable.

The selection of civil rights leaders, I would argue, is a case where a race-conscious approach is essential, yet should not be all-encompassing; an element of colorblindness should be incorporated so that whites are not wholly excluded from civil rights work. The need for race-consciousness is clear. If the civil rights movement is to advance the cause of Blacks, Blacks should have the primary voice in how the movement should proceed. Besides promoting self-determination, Black participation and leadership is indispensable strategically; it lends legitimacy to the cause, which is crucial to the effort to enlist grassroots support.[55]

However, there are significant advantages, and few disadvantages, to including whites in some capacity within the civil rights movement. First, inclusion is advantageous because the "public at large" will view the movement more favorably. Excluding whites from the movement would needlessly antagonize a substantial segment of the population, and would hamper fundraising. For example, when the civil rights organizations CORE and SNCC expelled whites during the 1960s, the organizations lost some of their popular support and suffered financially, which contributed to the organizations' eventual demises.[56] Furthermore, the inclusion of whites can help to deflate the public perception that civil rights organizations are primarily self-interested and seek "special privileges" for Blacks. If such organizations are multi-racial, the message conveyed is that the fight for racial equality transcends self-interest and instead is motivated by the altruistic pursuit of a just society.

One might question, however, whether the strategic advantages of including whites is worth the cost in terms of accommodating persons who, at least in theory, might be less committed than Blacks. An argument sometimes raised against white participation in the civil rights movement holds that since whites do not personally experience discrimination, they will lose interest in the struggle and abandon the cause.[57] If the whites in question have demonstrated substantial commitment, however, this hypothetical disadvantage might well be erased. Historically, some whites have demonstrated such a commitment, ranging from white participation in civil rights campaigns in the South during the 1960s[58] to the choice of some whites to settle in integrated neighborhoods or volunteer their services in

Adoption and Cultural Preservation, 59 UMKC L. REV. 487 (1991) (advocating colorblindness in adoption laws, but acknowledging the value of race-consciousness in encouraging white families that adopt Black children to become sensitized to issues of Black culture and Blaek racial consciousness).

55. *See supra* notes 21-23 and accompanying text.

56. *See* BLUMBERG, *supra* note 12, at 148-51, 189; Jack Greenberg, *Don't Let the NAACP Fall Apart Like SNCC,* NAT'L L.J., Aug. 15, 1994, at A19, A20.

57. *See* Marx & Useem, *supra* note 11, at 92-93.

58. *See* BLUMBERG, *supra* note 12, at 82, 97, and 103.

less affluent Black neighborhoods.[59] When such commitment has been demonstrated, civil rights organizations need not fear that hiring the whites in question will weaken the organization, and can safely pursue an integrated workforce.

Although a colorblind approach is desirable to the extent that whites should not be excluded from civil rights work, a race-conscious approach is needed in the selection of civil rights leaders, to ensure that people of color define the agenda and control the civil rights movement. In the absence of a race-conscious approach, the civil rights movement would be weakened, as evidenced by the state of the movement prior to the 1930s. At that time, the NAACP relied on prestigious white lawyers to argue prominent civil rights cases, largely because Black lawyers were few in number, had been forced to attend inadequate schools, and suffered harsh discrimination in the courtroom and in admission to the bar.[60] The fact that the NAACP was forced to rely upon the largesse of white lawyers was demoralizing to the Black community. Once the situation could be remedied, through increased opportunities for Black lawyers during the 1930s,[61] the NAACP moved quickly to adopt a race-conscious approach to hiring lawyers. As Charles Hamilton Houston, the prominent civil rights lawyer, stated in 1935, the NAACP "should be the great laboratory for developing Negro leadership wherever possible. . . . [I]t is the general policy of the Association to appoint Negro lawyers in all cases where considerations are otherwise equal."[62]

By the time that Greenberg was appointed director-counsel of LDF in 1961, Black control of the civil rights movement was very well established. Indeed, the relative lack of controversy generated by Greenberg's appointment seems due in part to the fact that a number of outstanding Black leaders had emerged on the national scene. Although Greenberg's appointment was significant, the Black community had little need to fear a loss of control over the movement; leaders such as Thurgood Marshall, Martin Luther King, Jr., Medgar Evers, Robert Carter, Fannie Lou Hamer, and Malcolm X, to name but a few, were leading African-Americans to new heights.[63] In

59. In asserting that some whites have undertaken such activities, I speak primarily from personal experience, but I feel that I am not alone in this regard.

60. *See* August Meier & Elliott Rudwick, *Attorneys Black and White: A Case Study of Race Relations within the NAACP*, 62 J. AM. HIST. 913, 915-17 (1976).

61. *Id.* at 930 (pointing to the ascendance of Howard University Law School, the emergence of Black law students who were "rising stars" in Ivy League law schools, and a foundation grant provided to the NAACP for civil rights litigation).

62. *Id.* at 942 (citation omitted). I do not mean to suggest that a color-blind approach to choosing civil rights leaders today would produce a situation comparable to that found prior to 1930. The opportunities available to Black lawyers today would prevent a return to a white-dominated movement. The full potential for developing Black leadership, however, would not be realized unless a race-conscious approach were adopted.

63. This is not to suggest, however, that civil rights organizations did not pursue opportunities to expand the ranks of Black leaders. In 1964, for example, the outgoing director of CORE, James Farmer, suggested to Alan Gartner, a white activist, that he step aside as a contender for the top position at

a sense, Marshall's selection of Greenberg as his replacement was a statement of confidence in the strength of Black leadership nationwide. A loyal white ally could be entrusted with a leadership position, for that position was just one of many.[64]

By the time of the 1983 Harvard boycott, however, the number and strength of Black organizations had dwindled, rendering the LDF director-counsel position of greater importance in the quest for Black self-determination. Hence, the controversy over having a white person in that position had increased. Today, the civil rights movement is in an even more vulnerable state than in 1983. African-Americans' recent gains in electoral politics[65] are tenuous, threatened by *Shaw v. Reno*[66] and its progeny.[67] Despite the fact that, during the past century, Blacks have been grossly underrepresented in Congress,[68] these cases hold that the goal of creating majority-Black districts is constitutionally suspect. Furthermore, internal problems within the NAACP have threatened the organization's continued effectiveness, to the point where LDF has considered dropping the "NAACP" from its name.[69] And, at the same time that a backlash against civil rights is gaining strength in politics,[70] a majority of the Supreme Court, including the Court's only African-American, seems intent on reversing the civil rights legacy advanced by and symbolized by Thurgood Marshall.[71]

In times such as these, when the civil rights movement is endangered on so many levels, effective Black leaders are needed to embolden grassroots supporters and rekindle the movement.[72] A race-conscious approach

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CORE. Gartner did so, enabling Floyd McKissick, a Black activist and lawyer, to be awarded the position. *See* BLUMBERG, *supra* note 12, at 149-50.

64. In other words, even when the civil rights movement endorsed colorblindness, Black self-determination remained an important goal. *See supra* note 34 and accompanying text. A colorblind approach to civil rights appointments was pursued to the extent that it did not materially undermine the goal of self-determination.

65. *See supra* note 40.

66. 113 S. Ct. 2816 (1993).

67. *See, e.g.*, Miller v. Johnson, 115 S. Ct. 2475 (1995); *see also* Culp, *supra* note 14, at 186 n.99 (describing post-*Shaw* lawsuits seeking to overturn redistricting that created majority-Black districts).

68. *See supra* note 40.

69. *See* Steven A. Holmes, *Rights Group Seeks Distance from N.A.A.C.P.'s Troubles*, N.Y. TIMES, Nov. 8, 1994, at A18; *see also* Roger Wilkins, *Now or Never for the N.A.A.C.P.*, N.Y. TIMES, Oct. 12, 1994, at A23 (advocating a trusteeship to restore confidence in and financial stability of the NAACP). With the reeent installation of Myrlie Evers-Williams as chairperson and Kweisi Mfume as president and chief executive officer, however, the NAACP is beginning to regain strength. *See* Catherine S. Manegold, *Tempering Troubled Waters: Myrlie Evers-Williams*, N.Y. TIMES, Feb. 20, 1995, at A1; Stephen A. Holmes, *NAACP's New Hope: Kweisi Mfume*, N.Y. TIMES, Dec. 11, 1995 at B8.

70. *See supra* note 20.

71. *See generally* David Cole, *Race Law Forced to the Back of the Court*, N.J.L.J., Jan. 23, 1995, at 25; Freeman, *supra* note 1.

72. Although Cornel West has lamented the relative lack of "prophetic" Black leaders, *see* CORNEL WEST, RACE MATTERS 33-46 (1993), surely a number of Black leaders have approached such stature. One thinks of West himself, Elaine Jones, Deval Patrick, Ted Shaw, Lani Guinier, Roger

to selecting civil rights leaders, a valid approach during any era, has become especially important.[73]

CONCLUSION

A call for race-consciousness in selecting civil rights leaders should in no sense be construed as an implicit criticism of Jack Greenberg. In an important respect, his race is, in fact, irrelevant; the legal victories he helped to achieve speak for themselves and transcend the racial identities of the lawyers who fought for them. When Greenberg's race is taken into account, his accomplishments are no less noteworthy, for they inform our understanding of the historical role of colorblindness within the civil rights movement. Greenberg rose to prominence when the civil rights movement logically turned to colorblindness as the antithesis of white supremacy. Because he fought valiantly against white supremacy, and because, while at LDF, he represented the embodiment of the colorblind ideal, his place in history as an advocate for justice is assured.

Indeed, by downplaying the issue of his race in *Crusaders in the Courts*, Greenberg has, in a sense, minimized his accomplishments. As explained above, white participation in the civil rights movement is sometimes opposed on the grounds that whites, by virtue of their freedom from discrimination, will inevitably wane in their commitment to civil rights struggles. The example set by Greenberg casts doubt upon this premise. His steadfast commitment and contributions to civil rights for nearly 50 years demonstrate that some whites will adopt the civil rights crusade as their own and remain ever vigilant.

For the foreseeable future, however, white civil rights lawyers should recognize that the opportunities available to Greenberg were the product of a unique era, and should not seek to replicate his success. While we may continue to gain inspiration from Greenberg's accomplishments, we should content ourselves with a lesser role, supporting Black leaders and engaging them in a constructive dialogue, while allowing the spotlight to shine primarily on them.[74]

Wilkins, Henry Louis Gates, Jr., Toni Morrison, Kweisi Mfume, Carol Moseley-Braun, and, despite West's view that he might have fallen short, Jesse Jackson, among others.

73. I do not mean to imply that race should be the sole criterion in the selection of civil rights leaders; a candidate's ideological outlook must still be compatible with that of the hiring organization. For example, within a given "liberal" civil rights group, the search for a leader might conceivably entail a Black conservative competing against a white progressive, raising the dilemma of whether the hiring decision should turn upon race or ideology. Fortunately, such a situation should not arise frequently, given the large pool of leadership candidates who are both Black and progressive. *See supra* note 72.

74. This approach, of course, does not solve the "quandary" described at the outset regarding career advancement. From a personal standpoint, I am finding civil rights work rewarding in itself, while the need for further "career advancement" probably lies in the future. In the hope that opportunities will arise that can be reconciled with the needs of the civil rights movement, I will leave resolution of the career advancement quandary for another day.