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I. Introduction

I was born and raised in Latin America. My father was white and my mother was of mixed-race heritage, Black and Native American. In 1967, when I was sixteen years old, I came to the United States as an exchange student. Soon after my arrival I began to notice the unique role race played...
in this country. I noticed race on the periphery of my senses. Although everyone else at my high school in Minneapolis was white, I only noticed this as a morphological fact. I quickly made what turned out to be life-long friends with a number of white young men and women who seemed to accept my Black/white/Native American features as also merely morphological. It was not until several months after my arrival that I began to understand the impact racial difference would have on me, and also on others who were of color at that time in our country’s history.

I first recognized it when the young woman I was dating suggested I pick her up, not at her home, but at various places around town. After a few dates I began to wonder why and eventually inquired. She admitted, rather uncomfortably, that her parents were old-fashioned and would not understand her dating someone who was not white. I did not think much about it at the time because as a teenaged boy I rarely enjoyed meeting the parents of the girls I dated.

The next girl I dated assured me that her parents were actually quite excited to meet me, and, by the way, "they think you are Italian." I went along with it because I was sixteen and didn’t know any better. As the months passed, I noticed how some of my classmates scrambled to explain to themselves and their parents their relationship with me. I was the first brown person many of them had ever met but my foreignness set me aside. Some of them would talk disparagingly about Blacks and Native Americans, the only two groups of non-whites living in Minneapolis at the time but would go out of their way to explain that I was "OK" because I was not one of them.¹ I was completely ignorant about race issues and failed to notice the implications of this dichotomy. In fact, I once joined a few white classmates as they drove through a Black neighborhood singing "two, four, six, eight, we don't want to integrate." Although my skin color is darker than many of the Blacks who lived in that neighborhood, I do not recall a single direct act of racism targeted at me by anyone during my first two years in the United States. Eventually I would learn that this was because, as a foreigner, I was not considered Black.

During the summer of 1969, I moved to Austin, Texas, to attend the University of Texas. I lived with a family friend from Panama. Roberto was blond, blue-eyed and had lived in the United States for years, so he spoke English without an accent. Soon after I arrived, Roberto asked me to join him and two of his white friends for dinner. At the restaurant, the waiter asked me where I was from. I answered, "Panama." He politely told me that although the restaurant was not integrated, he could serve me because I was

¹ During my high-school years, there were almost no Asians or Latinos in Minneapolis.
not an American. He explained that the restaurant did not serve "Negroes or Mexicans," but since I was neither, I was "OK." I pointed out that I was part Black and Native American. "But you are a Panamanian," he patiently explained. "You are welcome to eat and drink here." I was shocked to learn that I was receiving privileges as a non-citizen that were being denied Black and Latino citizens. Since I was from another country, I was considered an honorary white. This encounter had a big impact on me. The next morning I decided to leave Texas and return to Minnesota to attend college. Since these early experiences in the United States, I have observed, studied, and personally experienced America's struggle with race. Because I am of mixed-race heritage, I often advocated that the solution to the American dilemma of race depended on moving beyond the Black/White Paradigm. In the past year or so I have begun to have second thoughts.

In the first part of this essay, I argue that the Black/White Paradigm should not be abandoned. Rather, it should be embraced by all non-whites and progressive whites as the best way to understand America's racial dilemma. The essence of this argument is that we should go further than Devon Carbado's suggestion that Blackness should function as a pan-racial identity. In this section I argue that the only way to resolve the American dilemma of race is to embrace the Black/White Paradigm by self-identifying ourselves as Black.

In the second part of this essay I argue that whites' reluctance to cede power will conspire with human nature to prevent racial coalitions from defeating entrenched racism and white supremacy.

II. Definitions

Before discussing the reasons for retaining the Black/White Paradigm and abandoning coalition building, I have included some definitions:

A. Black/White Paradigm

I largely agree with Juan Perea's definition of the Black/White Paradigm as the conception of the American dilemma of race as essentially a Black and white matter.3

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B. Racial Coalitions

I interpret "racial coalitions" as Blacks, Latinos, Asians, Native Americans, and progressive whites working together to defeat the entrenched racism and white supremacy that still exists in this country.

III. Beyond the Black/White Paradigm

A. Criticisms of the Black/White Paradigm: Understandable, but Misplaced

Since the mid-1990s, a number of very thoughtful scholars have criticized the Black/White Paradigm of race in America. These criticisms primarily focus on the argument that the binary paradigm of race is too exclusionary and inadequately addresses the race dilemma in today's multiracial society.\(^4\) I understand the root cause of this criticism and I am grateful to those scholars who have argued for greater inclusion.\(^5\) I applaud those scholars who have sought to expand the discussion about race to include Latinos, Asians, and Native Americans. Like Juan Perea, I identify "strongly and self-consciously" as a Latino. And, like Juan, I have for years detected a strong "Afro-centered" focus to the ongoing discussion of the American dilemma of race.\(^6\) As Janine Young Kim observes, however, the critique of the binary nature of discussions about race is largely based on a somewhat oversimplified presumption that the Black/White Paradigm is

\(^4\) Robert S. Chang, Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space, 1 ASIAN L.J. 1, 27 (1994) ("Critical race scholarship tends to focus on the black-white racial paradigm, excluding Asian Americans and other racial minorities."); Michael Omi & Howard Winant, Racial Formation in the United States: From the 1960s to the 1990s 152 (2d ed. 1994) ("U.S. society is racially both more diverse and more complex today than at any previous time in its history. Racial theory must address this reality...."); Deborah Ramirez, Multicultural Empowerment: It's Not Just Black and White Anymore, 47 STAN. L. REV. 957, 959 (1995) (arguing that the conclusion reached in the Kerner Commission 1968 report on urban unrest, which stated that "Our nation is moving toward two societies, one black, one white - separate and unequal" is outdated due to substantial demographic changes); John O. Calmore, Our Private Obsession, Our Public Sin: Exploring Michael Omi's "Messy" Real World of Race: An Essay for "Naked People Longing to Swim Free," 15 LAW & INEQ. 25, 56–57 (1997) (using demographic data to demonstrate the declining relevance of the Black/White Paradigm); Perea, supra note 3, at 1215.

\(^5\) See, e.g., Leslie Espinoza and Angela P. Harris, Embracing the Tar-Baby - LatCrit Theory and the Sticky Mess of Race, 85 CAL. L. REV. 1585 (1997) (showing that the scholars of "LatCrit" theory have, by their work, expanded our understanding of how the phenomenon of race in America affects Latinos, Asians, and Native Americans). Moreover, Juan Perea's criticism of Andrew Hacker's book, Two Nations: Black and White, Hostile, Unequal, is on point, particularly on the dangers posed by the book's suggestion that Blacks are the only people of color subjected to racism in America. Perea, supra note 3, at 1223–25.

\(^6\) The Afro-centered literature on the "race problem" has been both educational and frustrating, particularly when scholarship about race in America is almost devoid of materials dealing with Latinos, Asians, and Native Americans.
exclusively descriptive. While the Black/White Paradigm certainly serves such a descriptive role, describing the dilemma of race is not its most important function. The Black/White Paradigm is much more complex, and its most important functions are historical, political, revolutionary, and, perhaps most importantly, unifying.

1. The Roles of the Black/White Paradigm

a. Historical Role

The history of the Black/White Paradigm is the history of this nation. As some commentators have pointed out, without Blacks there would be no United States because what unified disparate, white immigrants was their common disdain for Blacks. While this argument may be difficult to prove, the enslavement of Blacks by whites has certainly shaped our history more than any other single event. In order to understand racism towards all people of color today, we must understand the origins of racism as a method to rationalize the enslavement of African Blacks. The current conditions of poor Blacks and Latinos are a direct result of years of Jim Crow laws and the ghettoization of the Black underclass. Eighteen century whites in America punished African Blacks for using improper English. Whites today use language and accent to discriminate against Latinos and Asians. The

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For example, Juan Perea states:

I define this paradigm as the conception that race in America consists, either exclusively or primarily, of only two constituent racial groups, the Black and the white. Many scholars of race reproduce this paradigm when they write and act as though only the Black and the white races matter for purposes of discussing race and social policy with regard to race. The mere recognition that "other people of color" exist, without careful attention to their voices, their histories, and their real presence, is merely a reassertion of the Black/White Paradigm. If one conceives of race and racism as primarily of concern only to Blacks and Whites, and understands "other people of color" only through some unclear analogy to the "real" races, this just restates the binary paradigm with a slight concession to demographics.

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8 Kim, *supra* note 7, at 2387.

9 See, e.g., Derrick Bell, *Faces at the Bottom of the Well* 155–56 (1992) (quoting Toni Morrison and stating that Andrew Hacker and Ralph Ellison have made the same argument).


11 See Perea, *supra* note 3 (stating that Latinos have been fired for speaking Spanish in the workplace). However, since the eighteenth century, Whites have used the pretext that Blacks do not speak "proper English to discriminate against them." See, e.g., Norman Sklarewitz, *English Only on the Job*, ACROSS THE BOARD, Jan./Feb. 1992, at 18, 20 (explaining how slave owners in the eighteenth century prohibited Black slaves from using their African language); Jill Gaulding, *Against Common Sense: Why Title VII Should Protect Speakers of Black English*, 31 U. Mich. J.L. Reform 637 (1998)
Black/White Paradigm is critical to understanding that whites have resisted equality for non-whites since this country was founded. Unless we fully understand the history of the Black struggle for civil rights, we will never achieve equality for Latinos, Asians, and Native Americans.\(^1\)

**b. Political Role**

To prevail over white supremacy we must understand how it operates. The best method for understanding how it operates is through the use of the Black/White Paradigm. Only through this lens will we understand how white supremacists developed their political view that the world is either white (and right), or not white (and wrong). The Black/White Paradigm also offers a unique instrumentality to understand race-based domination and subordination.\(^2\) Race may be a tool which defines different racial groups against one another, but its seminal work was the definition of whites vis-a-vis Blacks. As Angela Harris states, caucasians became "white" only by contrasting themselves to Blacks, and the development of white supremacy was based on whites' anti-Black prejudice.\(^3\) Racial animus is not limited to white supremacists, it has been deeply embedded in the fiber of the American psyche since the nation's inception. Even Justice Harlan, in his dissent in *Plessy v. Ferguson*, presumes that it is an undisputable fact of nature that Whites are superior to Blacks.\(^4\) "The white race ... [is] the dominant race in this country . . . and . . . will continue to be for all time."\(^5\) Only when we understand how deeply racial disdain for Blacks runs through mainstream white America will we be able to dismantle its effects on other non-white groups.

As several scholars have noted, white does not simply stand for members of the white race. White stands for a set of privileges that have

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\(^1\) Arguing that Title VII should be used to sanction whites who refuse to hire Blacks who speak "vernacular Black English," sometimes referred to as Ebonics).\(^2\) For a compelling history of how Black Americans forged the Civil Rights movement, see TAYLOR BRANCH, PARTING THE WATERS: AMERICA IN THE KING YEARS 1954–63, at 220 (1988) and TAYLOR BRANCH, PILLAR OF FIRE: AMERICA IN THE KING YEARS 1963–65, at 177 (1998); see Kim, supra note 7, for an account of the historical role of the Black/White Paradigm.\(^3\) See, e.g., Kim, supra note 7, at 2398 (explaining that the Black/White Paradigm can not only be used to understand race based domination and subordination, but also used as a mechanism for Asian-Americans and people of color to build coalitions against white supremacy).\(^4\) Espinoza & Harris, supra note 5, at 1598. Even as she argues that a focus on Blacks is essential to the dilemma of race in America, Harris distances herself from the argument, which she terms "black exceptionalism." *Id.* at 1603.\(^5\) Plessy v. Ferguson 163 U.S. 537, 556 (1896) (J. Harlan, dissenting).\(^6\) See id. In *Plessy*, the Court held that the Fourteenth Amendment's Equal Protection Clause did not prohibit racial discrimination in public facilities so long as the facilities were "equal." *Id.* at 1140–44. In his dissent, Justice Harlan argued that the Equal Protection Clause did in fact protect African Americans from disparate treatment. *Id.* at 1144–48.
always been associated with whites. Correspondingly, Black does not simply stand for members of the Black race. Black stands for the denial of the privileges accorded to persons deemed white. In the spectrum of the denial of "white" privilege accorded all non-whites, Blacks occupy the least privileged end. Latinos, Native Americans, and Asians may all be considered something less than white, but "[B]lackness is the worst kind of non-whiteness." Only through the application of the Black/White Paradigm can we begin to recognize and understand the spectrum of denied white privilege. For example, Asians have gone from being Black to super-whites, as when Asians are the feared "model minority" who outperform whites in the same meritocratic games devised by whites to deny people of color access to power.

c. Revolutionary Role

As others have noted, the Black/White Paradigm contains the seeds for subverting white supremacy against all people of color. The Black/White Paradigm subverts white supremacy by defining the only avenue for its demise. Like all forms of oppression, racial oppression is ultimately about domination and power. It follows, then, that fighting racial oppression is ultimately about claiming the power wrested by the oppressor. The oppression of Blacks by whites in America has always been about using political, economic, and, if necessary, physical force to keep Blacks from achieving what whites seek to have for themselves. Likewise, breaking whites' choke-hold on power in America requires an understanding of the tools of insubordination. Few have defined the avenue for racial equality more eloquently than Frederick Douglass when he admonished:

The whole history of the progress of human liberty shows that all concessions yet made to her august claims, have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to

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18 Id.; see Kim, supra note 7, at 2392 (explaining that Professor Haney Lopez has argued that "white" stands or a set of concepts and privileges associated with race).
19 Espinoza & Harris, supra note 5, at 1602.
20 See People v. Hall, 4 Cal. 399 (1854) (nullifying a Chinese witness's testimony in a trial of a white defendant because "Black" included all non-whites).
silence. It must do this or it does nothing. If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation, are men who want crops without plowing up the ground, they want rain without thunder and lightening. They want the ocean without the awful roar of its many waters.

This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress. In the light of these ideas, Negroes will be hunted at the North, and held and flogged at the South so long as they submit to those devilish outrages, and make no resistance, either moral or physical. Men may not get all they pay for in this world; but they must certainly pay for all they get. If we ever get free from the oppressions and wrongs heaped upon us, we must pay for their removal. We must do this by labor, by suffering, by sacrifice, and if needs be, by our lives and the lives of others.

Racial progress in America will only occur if we embrace the Black/White Paradigm’s revolutionary resistance to white oppression.

d. Unifying Role

Perhaps the most important function of the Black/White Paradigm is that its adoption can unite people of color and progressive whites into a formidable force against white supremacy. Only a unified nation can fulfill the American promise of prosperity and justice for all. While Blacks, Latinos, Native Americans and Asians may share a history of discrimination in America, the faces at the very bottom of the well are still overwhelmingly Black. For this reason, only a claim to Blackness by all people of color and progressive whites will lead to a truly effective force to overcome white supremacy. The strength of a nation is directly related to the strength of its weakest members. The nation can only reach its full potential when all Americans are given the opportunity to reach their full potential. A majority of white Americans live comfortable lives of economic prosperity. For those whites who have not achieved prosperity, it is not because of their race. For

example, there may be many poor whites in rural America, but these folks are not poor because they are white. By contrast, for non-whites in general, and for Blacks in particular, economic prosperity and justice are closely tied to race. And for these groups, the reason for their continued subordinated status is ultimately race. Thus, for people of color, the challenge is to define our role within the national debate on race, as well as within the nation's promise of prosperity and justice for all.

As Latinos, Asians, and Native Americans seek to define their role, challenging the Black/White Paradigm may have some superficial appeal. However, for the American race dilemma to be resolved for any one of us, it must be resolved for all of us. And for the dilemma to be resolved for all Americans, it must first be resolved for the weakest members of society. For all people of color, constructing racial identity must be about bringing power to the disenfranchised, offering economic opportunity to the poor, and giving "voice to the silenced." Any redefinition of ourselves must go beyond individual ethnic self-interest. It must confront fundamental questions of power and domination in American society. Latinos, Asians, Native Americans, and Blacks must all understand how the construction of racial identity is fundamentally a political struggle. All of our efforts today should focus on confronting and dismantling the white supremacist movement which has sought to assure the racial hegemony of whites. Since the original victims of white supremacy were Blacks, the first step all people of color and progressive whites must take to resolve the American dilemma of race is to resolve it for Blacks. The only effective way to do so is to have a better understanding of what it means to be Black. Understanding what it means to be Black within the Black/White Paradigm will make Latinos, Asians, and Native Americans better able to confront the resurgence of white supremacy.

IV. The Dangers of Abandoning the Black/White Paradigm

The critique of the Black/White Paradigm should be applauded when it challenges race scholars to address the effects of racism on non-Black non-whites, and when it asks them to cease claiming that White on Black racism represents the universality of the racial dilemma. However, because the Black/White Paradigm so deeply informs the American racial dilemma, failure to fully understand the binary aspects of racial discrimination prevents its use as a tool to dismantle discrimination for all races. Juan Perea's critique of the Black/White Paradigm shows the perils of not fully understanding how white racism against Blacks informs white racism against
Latinos and Asians. In his critique, Perea argues that "one could study the American Black/white relationship forever and never understand the language and accent discrimination faced by many Latinos and Asian-Americans." This overlooks the historical fact that when African Blacks were enslaved by whites, their very survival required abandoning their native African languages in favor of adopting "proper English." While it surely is a mistake to ignore the effects of racism on Latinos, Asians, and Native Americans, it is dangerous to all racial groups to dilute the racial experience of Blacks by failing to fully understand it.

V. The Coalition Building Dream

The notion of building coalitions among Blacks, Latinos, Asians, and Native Americans is appealing. After all, there is power in numbers. Soon the number of people of color will outnumber whites in America. Perhaps the implication is that if we form coalitions, people of color as a group will be able to wrest our rightful share of power away from whites. There is also the idea that coalitions of non-whites will be able to defeat the barriers that the Black/White Paradigm has fostered.

A few years ago, Ingrid Duran, then Executive Director of the Congressional Hispanic Caucus Institute, described "Race Relations" as:

the ability to build coalitions across different communities, whether it be black/brown, brown/Jewish, black/Jewish, whatever the case may be; it is the ability to build coalitions to work together without all of the barriers that have been put up in the past.

Unfortunately, the notion of coalition building fails to take into account two critical factors: human nature and the deeply rooted racism of white America. Before we can embrace the ideal of coalition building, two questions need to be answered: (1) are coalitions effective and if so, for whom are they effective and (2) if racial coalitions are only effective when they form to demand racial equality, can they achieve racial equality for all people of color?

The process of building coalitions is often used as a tool to dilute racial equality and to turn people of color against each other. An example

25 Id. at 1238.
26 See supra note 11 and accompanying text (discussing how whites punished Blacks for using improper English and use language to discriminate against minorities).
of this occurred a few years ago while I was a visiting professor at Santa Clara Law School. While discussing my potential visit with the dean, he mentioned that U.S. News & World Report had ranked SCU in the second tier. He stated proudly that this was accomplished at a time when the percentage of "minority" students had increased to nearly forty percent of the student body. When I arrived at Santa Clara to teach the following semester, I noticed that out of approximately eighty students in my first year class, there were five Blacks and one Latino. When I mentioned this to some of my white colleagues, they immediately questioned why I had overlooked the Asian students. I responded that though I was happy to see so many Asian students in the class, there were too few Latino and Black students. My white colleagues responded that forty percent of the students were minorities and, again, questioned why I did not count the Asian students. When one colleague asked me whether I believed that Asians were less deserving of law school admission than Latinos or Blacks, I, of course, said no. I explained that regardless of the number of Asians in my classroom, I felt that the class should better represent northern California's population as a whole, particularly considering the large Latino population in the area. Considering that much of northern California's agricultural wealth had been built by Latino migrant workers, shouldn't there be more Latinos at this Jesuit school? "Maybe," said one of my colleagues, but she suggested I should focus on the positive fact that there was such a high number of minorities at SCU. Our discussion became circular with me pointing out that there were too few Latinos and Blacks and my white colleagues pointing out that forty percent of the students were minorities. This frustrating exchange helped me understand how the notion of coalition building can be turned on its head to refute arguments regarding how whites use the distribution of power to restrict racial equality. In this way, racial coalitions worked to pit people of color against each other in a way that primarily benefited whites.

Another obstacle to achieving racial equality through coalition building is the natural, if somewhat irrational, tendency toward selfishness. In order for coalitions to be successful, power must be shared. Being human, we are often ruled by the need to compete with one another. Sharing does not occur without overcoming our natural, if irrational, self-interest. This is especially true when we are asked for personal sacrifice for the sake of others.

Achieving racial equality through coalition building may also be impeded because we have a natural tendency to want to surround ourselves with people most like ourselves. Most of my close friends are white but, I am willing to admit that often I seem to associate, at home and at work, with discrimination among minority groups).
Latinos, preferably, of Caribbean background. Most Blacks, Asians, and Native Americans have a similar preference to associate with people most like them. This goes for whites as well. If this was not true, Sunday morning would not be the most segregated time in America. Whites, whether they consciously recognize it or not, will resist non-whites who interfere with their desire to associate with people most like themselves. This leads to a hierarchy of acceptance, in which the closer one is to the White model, the more likely one is to encounter acceptance. For example, according to the 2000 census, there were 20.6 million Americans of Mexican descent and only 1.23 million Americans of Cuban descent. Those Americans of Cuban descent are found in proportionately much greater numbers at all levels of government, business, and academia.

VI. Conclusion: The Future

Law and chaos are the dual creative principles of all nature, including human beings. We certainly have the capacity to do the right thing. We certainly can choose to fight first for those who have it worse than ourselves, to make sure that this nation first addresses its issues of racial subordination with poor Black men and only then concentrate on making demands for ourselves. But, to do the right thing, we must fight our dark side, our drive to chaos—our need to replicate ourselves at the expense of others, our drive not to share!

If we were perfectly selfish, we would realize that by focusing on helping those at the bottom of the well first, we would in the long run be helping ourselves. Unfortunately, history informs that we may not be up to the task. My fear is that if we abandon our focus on the Black/White Paradigm as the essential tool to dismantle white supremacy, we will also abandon poor Blacks and, eventually, we will become a nation where whites are a racial minority but effectively control all the political, economic, educational, and social institutions of the republic. We will have only ourselves to blame.

29 See, e.g., Dalton Dealing with Issues of Racial Diversity, CHATTANOOGA TIMES FREE PRESS, Jan. 30, 2005, at NG2 (quoting a resident stating that churches will always be segregated).
31 See Roberto Ramirez & Patricia de law Cruz, The Hispanic Population in the United States: March 2002 (June 2003), http://www.census.gov/prod/2003pubs/p20-545.pdf (noting that the proportion of Hispanics who had attained at least a high school education ranged from 74 percent for Cubans to 51 percent for Mexicans). Additionally, Mexicans were less likely to work in managerial or professional occupations. Id.