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Never Post-Racial: The Persistence of the Dual State

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Following the riots of the 1960s in major U.S. cities and the 1968 Kerner Commission Report, some public administration scholars initiated a limited focus on race themes in public administration. Today, mass incarceration serves more purposes than the kettling and destruction of young men of color or capital accumulation through the private prison complex and real property appropriation. Through linkages to immigration and terrorism, race is now resurgent as a key signifier of state legitimacy. The Black Lives Matter movement now heightens the urgency for public administration scholars to renew examination of enduring themes of race and public service (Blessett, Gaynor, Witt, & Alkadry, 2016). Although there is substantial scholarship produced by critical race theorists on the role that race has played in forming and sustaining institutions in the United States (cf. Delgado & Stafancic, 2013), with few exceptions (Alkadry & Blessett, 2010; Stivers, 2007) mainstream public administration scholarship has not closely examined how historic influences reproduce racialized social stratification in the United States. This article identifies how institutional practices in the United States emerge from and serve “dual state” practices and commitments founded on and devoted to recapitulating a racialized social contract.

Keywords: dual state, mass incarceration, racial contract, war on drugs

Perhaps the most insidious and least understood form of segregation is that of the word.

—Ralph Ellison (2003, p.81)

The 2008 election of Barack Obama to president of the United States was touted as a triumphant, high water mark of the standard liberal history of race in America, a narrative that goes as follows. The nation was founded with a terrible contradiction between exalted ideals of freedom and liberty for all people, on the one hand, and the institutional reality of chattel slavery for African Americans on the other hand. The Founders did their best to carve out a Constitution that would quarantine the spread of slavery until such time as the nation could come to terms with its founding dilemma. The Civil War eradicated the institution of slavery, but the residue of racist law and practices remained in place under Jim Crow. Then, again, as this narrative has it, the nation rose to its exalted ambitions by mid-twentieth century with Supreme Court decisions and federal legislation finally eradicating the last vestiges of de jure racism. Someday, many hoped (Black, White and other), a Black person might rise to the highest office of the land.

Writing in the 2008 volume, *Race and American Political Development*, editors Lowndes, Novkov, and Warren summarize succinctly how the standard liberal history of race in America has hemmed in efforts to challenge the inherited narrative:

The widespread acceptance of this reassuring story of progress, invoked with different emphases along most of the conventional political spectrum, helps to explain why those engaged in contemporary political struggles over, and the study of, race should consider the history of the relationship between race and politics. Race and racialization, or the processes through which racial categories are constructed and imbued with meaning, have defined, delimited, and shaped interactions between cultural beliefs and expressions, individual and collective actions, and governmental policies and practices. Likewise, governmental actions in the U.S.—local, state, and national—have profoundly shaped race and its political significance over time. (Lowndes, Novkov, & Warren, 2008, p. 2)

Instead of promoting the “triumphalist narrative or progression toward a racially egalitarian society,” Lowndes, Novkov, and Warren (2008) call for scholarship examining how governing practices in the United States have instead fostered renewed forms of racist exclusion and social stratification that mimic old institutional forms and commitments that the standard liberal theory claims have been eradicated. Heightening the stakes for critical scholarship on race, philosopher Charles Mills (1997) argues, in his acclaimed work, *The Racial Contract*, that white supremacy forms a global paradigm of governance that western political philosophy has refused to take seriously. Importantly, he claims:

What is needed is a global theoretical framework for situating discussions of race and white racism, and thereby challenging the assumptions of white political philosophy, which would correspond to feminist theorists’ articulation of the centrality of gender, patriarchy, and sexism to traditional moral and political theory. What is needed, in other words, is a recognition that racism ... is itself a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties. (Mills, 1997, pp. 2–3)

This article examines how Black lives matter now as they always have in the U.S. institutional context: through the binary of blackness/whiteness produced by an American “dual state” founded on and sustained by a racialized social contract (Mills, 1997; Young & Meiser, 2008) and reinforced by practices given very limited account in peer-reviewed, mainstream public administration scholarship. Building on the premise established by Alkadry and Blessett (2010) that public service in the United States has mimicked the racist and exclusionary practices of colonial Great Britain at the turn of the twentieth century, this article examines how racism forms a central pillar of U.S. state legitimation. The liberal narrative of racial progress has it that racism is essentially a lagging artifact of past institutional practices that, while lingering in politics and public administration, has been continuous and will be diminished by virtue of the felicitous momentum of U.S. history. This article argues to the contrary that, far from uprooting past institutional practices, state actors have assured that such practices persist, and that the root formation binding these practices into a coherent structure remains obscured from view and scrutiny. By promising a forever-future resolution of malingering racism, the liberal narrative serves double purposes: simultaneously vindicating white intransigence in the matter while exculpating political actors from ever coming to terms with the welter of harms, inequities, and hypocrisies that racism perpetuates.

The next section draws from Yanow's (2003) assessment of race category making in public policy and administration to examine the functional, banal purposes served by race classification, with a brief sketch of this etiology in the United States. How category making (and breaking) serves purposes of racialized privilege and exclusion is illustrated in the next two sections examining the linkages of mid-century New and Fair Deals legislation with the "Southern Strategy" of the Republican Party, and the formation of the Nixon Era War on Drugs, including the "deep state" ties between U.S. intelligence agencies and foreign criminal interests in the drug supply chain that constitute the Iran-Contra affair under the Reagan administration. How the War on Drugs re-stigmatized Black communities in the United States, and how the "culture of poverty" trope authorized necessary political capital for the Clinton administration's initiatives to transform welfare into neoliberalized "workfare" is then covered. A final section assesses theory useful for schematizing how and why a "New Jim Crow" persists.

CATEGORIES AND FICTION

Led for decades by the race classification fervor formulated in Northern European and American intellectual venues (especially Ivy League institutions, see Witt, 2006), the U.S. Supreme Court in 1923 finally abandoned the "expert" testimony on race characteristics that it had depended on for determining eligibility for immigration because, by Roediger's (2005) account, these classifications became so muddled and confusing that they could not meet the category criteria of mutual exclusion and exhaustion. Reasoning in the *Thind* case (for the naturalization of an Asian-Indian litigant), the Court reversed course it had established just three months previously (in *Ozawa*). Roediger (2005) summarizes carefully:

Unable to demonstrate intellectually his nonwhiteness, the justices told *Thind* that everyone (or at least the "common" American) simply knew that he was not white. "Common speech" and "popular understanding" were to be the new tests for whiteness, at a time when the most ambitious social scientific study of "race attitudes" of the native-born middle class found almost identical percentages wishing to exclude Japanese and Serbo-Croatian "races" from citizenship. (Roediger, 2005, p. 59)

By this reasoning, race was to be determined by what the common (White) person understood his/her whiteness to signify. The pseudoscience of the era was therefore replaced by circular, status quo reasoning ratified by the Supreme Court of the United States.

The sifting and sorting of people according to physiognomic and cultural characteristics imposed on late nineteenth and early twentieth century U.S. immigrants can be explained, up to a point, according to the category-making logic that Yanow (2003) identifies. Once the salient features of "sets" emerge (*Northern* Europeans, *Southern* Europeans, *Eastern* Europeans) under any given categorization orientation, the differentiation *across* sets supersedes differentiation *within* sets. Policy-making practices and accompanying narratives have always been hindered by "this *not* that" schematizing and commensurate dilemmas. But when these dilemmas are challenged, as in Court cases like *Thind*, the policing of entitlement needs room to wiggle. Yanow (2003) puts a fine point on how and why this policing occurs:

Public policy narratives sometimes feature another dimension. In the face of incommensurable values or beliefs, people often create a myth—a narrative, not an argument or explicit

explanation, although not necessarily one with a fictionlike plot—which serves, at least temporarily, to suspend the tension between the incommensurables *and allow action to proceed*.... In the process, explicit public discourse on the incommensurability is rendered *verboten*, silenced. (Yanow, 2003, p. 8 [emphasis added])

Initially spurned by nativist labor unions that were themselves constantly undermined by industrial interests, non-White immigrants (or those otherwise categorized as such, including Irish, Slavic, and Southern Europeans) were made immediately wary of what *whiteness* and *blackness* really meant in America. Blacks were barred categorically from labor unions until the 1930s, a tactic that U.S. corporations became expert at exploiting, deploying all *Black* (not Polish, or Irish, or Slavic) national guard regiments for a series of strike breaks during this period on the tactical premise that nativist white laborers would never form common cause across picket lines, on any terms, with Blacks (Grossman, 1989; Massey & Denton, 1993; Noon, 2004). The affiliation of “union-busting” with “Black scabbing” by a nativist-infused, white supremacist working class was drawn from the same racist reasoning from which U.S. Supreme Court rulings, public policy and administration would take shape, helping “to suspend the tension between incommensurables and allow action to proceed” (Yanow, 2003, p. 8).

The passage in the 1952 McCarran-Walter Immigration and Nationality Act, and removal of the 1924 ban on Asian and African immigration, re-triggered race classification practices in the United States. Those previously deemed non-White by the Court, including the Irish Catholic, Polish Jews, Italian, or Albanian nationals, for instance, would become “White by law” (López, 2006) in large part because of the category logic of comparative group salience that Yanow (2003) identifies. Obviously not Asian or African, such pan-European ethnicities were found to have a derivative “whiteness” in common. This shape-shifting of race classification logic reveals how “White” and “Black” are only nominally “categorical.” Understanding how racism endures in the United States requires untwisting the policing—the policy *shaping*—of *whiteness* and *blackness*, and how this binary endures.

The metrics determining whiteness and blackness in the United States were well in place long before the twentieth century, allowing the “action to proceed” (Yanow, 2003, p. 8) whereby privilege in a “New World” was made acceptable despite being contradictory with espoused creed of liberty and justice for all. Of this process, Alkadry and Blessett (2010) write, “Therefore, the perception of black superfluity [in the continuous present] acts as a veil to allow administrators and citizens to commit injustices and atrocities, without officially recognizing how their actions would disenfranchise a community” (p. 552). An incommensurable premise—a “racialized social contract” about who is deserving and who is not, who is *this* and who is *that*—casts its shadow over historic moments when the United States has appeared to actualize the “triumphalist narrative or progression toward a racially egalitarian society” (Lowndes, Novkov, & Warren, 2008, p. 2). The Great Depression of the 1930s, then World War II and its aftermath constituted a major chapter in the nation’s triumphalist narrative. As the record indicates, that narrative is distinctive for what it left out.

WHITENESS RE-CONSTITUTED: NOT SO NEW, NOT SO FAIR DEALS

Ravaged by the financial markets collapse of 1929 and the onset of the worst economic depression in U.S. history, Americans voted into office Franklin D. Roosevelt, a patrician elite

promising a new social compact with the poor and working people of the country. Reformers hailed Roosevelt's commitments to institutional changes, called for by labor and justice advocates since the early nineteenth century. In order for the Roosevelt administration successfully to garner support for the radical alteration of the social compact that his New Deal policy platform inaugurated, a staunchly Jim Crow congressional voting bloc would have to be appeased, requiring assurances that the vast majority of Black Americans would be barred entitlements conferred on White Americans. By the New Deal mandate, domestic and farm labor, almost entirely Black, was excluded from eligibility for union representation, minimum wages, regulated hours of work, and Social Security insurance into the 1950s. Congress ratified Southern demands that New Deal programs be administered entirely according to local agency authority, shielded from obstruction by federal oversight. This capitulation to parochial authority guaranteed that racist exclusion—refined and well entrenched in the South—would garner the seal of Congressional assent and approval (Katznelson, 2005; Massey & Denton, 1993; Rothstein, 2017). Under the broadly appealing narrative promoted by Roosevelt that “a necessitous man can never be a free man,” the New Deal successfully propagated a veil of superfluity on the racialized “other,” setting in motion a new era of discrimination that would elicit another much storied history, the Civil Rights Movement of the mid-twentieth century.

After the Second World War, the momentum garnered by the broad approval and popularity of New Deal policies extended into the Truman Administration, carrying its Fair Deal policy platform through Congress according to the same electoral strategy making possible New Deal commitments. Law, policies, and administrative protocols were therefore formulated to assure that Jim Crow would not only remain firmly in place, but that federal support through massive transfer payments assured the increasing expansion of white wealth tied to the disenfranchisement of due process rights and comparable wealth generating privileges for minority groups, particularly Black Americans. Veterans Administration and G.I. Bill mandates guaranteed that substantially less largesse would be available to veterans of color, particularly Black veterans (Frydl, 2000; Katznelson, 2005).

As a result of these policy commitments, homeownership has been the predominate factor determining net worth for American households since the 1950s (Conley, 2010). For that matter, disparities in real wealth over nearly 70 years have largely been a function of stratified homeownership opportunities. Home mortgage policies and long entrenched race based real estate practices therefore guaranteed that the road to the American Dream has been largely restricted to Americans meeting the qualifications of whiteness. Although well documented over 50 years ago (Taeuber & Taeuber, 1965, 1985) and reexamined for its demographic consequences decades later (Massey, 2007; Massey & Denton, 1988, 1993; McKenzie, 1994; Orfield, 2002; Sharkey, 2013), none of these policy practices—administered by countless public servants—has been reconciled with the standard progressive history of race in the United States, much less with settling the accounts of public service culpability (Alkadry & Blessett, 2010).

The U.S. National Advisory Commission on Civil Disorders inveighed in its 1968 report (known as the Kerner Report) against the racialized realities that New Deal and Fair Deal policies produced across a broad swath of the American white public consciousness, cultivating the self-serving assumptions that inner-city ghettos were the exclusive product of free market activity, not the product of concerted, orchestrated, decades-long practice of exclusionary land use zoning, race restrictive land covenants, entrenched bureaucratic routines, captured and corrupted housing legislation, voting disenfranchisement, tiered social welfare and related

benefits programs. Tersely and summarily, the Commission concluded: “Segregation and poverty have created the racial ghetto a destructive environment totally unknown to most white Americans. What white Americans have never fully understood – but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it” (U.S. National Advisory Commission on Civil Disorders, 1988, pp. 1–2). That year, the journal *Administration & Society* was founded with the explicit purpose of taking up these matters with scholarly inquiry. That inquiry stalled within a few years because it lacked any unifying theory to explain what the Kerner Commission forcefully articulated (Witt, 2006).

The decades following the Second World War to the end of the century were critical for white institutional response to the challenges posed by the civil rights actions of the 1950s and 1960s. The next section further examines key features of that era and its culmination with southern white (re)enfranchisement under the Republican Party of Ronald Reagan.

THE ENDURING JIM CROW

Alexander (2012) finds that the building blocks for reconstituting white hegemony are laid prior to the emergence of legislation and legal reforms that mark the formal transition to a new epoch of fabrication and control. So, for instance, the Jim Crow era—pegged generally to begin with the formal ending of Reconstruction in 1877 and ending legally with Supreme Court decision in 1954—was in fact well in place years before federal troops suddenly vacated the South in 1876. After slavery as a formal institution ended, it was not immediately clear what laws would emerge to assure the continuation of white supremacy. Black codes, vagrancy laws, and convict leasing quickly emerged as stopgap measures for assuring white dominance and control—the “zero tolerance policing” institutions of the era. Postwar housing legislation further illustrates the pattern Alexander identifies of white institutional moves to reconstitute white institutional hegemony.

Forced to square accounts between the United States’ laureled stature of vanquishing racist ideology in Europe with indifference and lassitude at home, the Supreme Court issued major decisions chipping away at legal segregation, culminating in 1954 with the omnibus case, *Brown et al v. Board of Education of Topeka*. Six years previously, in 1948, real property deed restrictions were finally determined unconstitutional by the Supreme Court, leading the Truman administration to move swiftly in 1949 with housing legislation laying the foundation for massive government underwriting of segregated neighborhoods across the country. After the Court’s 1954 decision in *Brown*, the Eisenhower Administration further stiffened the segregationist rubric of the 1949 Housing Act. From extensive document analysis of Eisenhower Administration archives, Hirsch (2005) carefully sizes up the implications of these actions:

In addition to deleting virtually every overt reference to race or racial discrimination ... at least one advisor informed the President of the legislation’s likely impact. Succinctly packaged in two words, a presidential aide acknowledged ... that the administration’s approach “condone[d] segregation.” ... At the least, there is no recorded objection to the proposal [by the President for segregation as official housing policy], and it is manifest that the program’s outcome ... was clearly foreseen. More than merely “condoning” a new round of ghetto-building to contain an

enlarged African American population, the Housing Act of 1954 ... enabled and empowered local authorities to adopt renewal plans that guaranteed continued separate and unequal [housing] development. (Hirsch, 2005, pp. 2–3)

Southern white backlash to *Brown* mimicked the Reconstruction Era, culminating with the “Declaration of Constitutional Principles.” This was an elaborately reasoned legal argument read aloud on the floor of the Senate by Georgia Senator Walter George on March 12, 1956, soon popularized as “The Southern Manifesto.” Viewed by critics as a racist rant packaged in Southern politesse, the Manifesto argued that the Court’s decision in *Brown* superseded its authority and would lead, inevitably, to the unrest of the 1960s. Considered by most scholarly commentary as a relic of the past, recent scholarship finds that the Manifesto has had enduring legal and popular significance (Driver, 2014).

Also in 1956, the FBI initiated COINTELPRO (Counterintelligence Program), utilized by the FBI for infiltrating, disrupting, and discrediting political organizations and their leadership, with special deployment among and within Black communities. Anticommunist hysteria was used as justification for racist surveillance at the turn of century. The Cold War conditions of the 1950s reinvigorated these practices, by tying them into electoral politics by supplying Presidents with suspicion that civil rights activism was determined by communist party doctrine. By virtue of its categorical exclusion, it was inevitable that Black politics would interact with Leftist ideology, but the record of that influence is far from absolute or uni-directional (Johnson, 2004; Kotz, 2005; Marable, 2002).

With the March on Washington for Jobs and Freedom in August 1963, the Civil Rights Movement reconstituted what had been the fleeting, pan-working class spirit of the short lived agrarian populism of the 1890s. By the mid-1960s, the Poor People’s Movement was in full swing, marking the next “major disruption in the nation’s racial equilibrium” (Alexander, 2012, p. 39). Linked by Martin Luther King Jr. to a global legion of poor people everywhere ravaged by the “triple evils” of consumerism (by extension, capitalism), racism, and militarism, civil rights in America by 1967 posed for state elites a dangerous international siren song, for which an equal and opposite herald ensued. Thus emerged calls for “law and order” keyed nominally to “race neutral” propaganda but coded unmistakably with racist undertones (Balko, 2014). Soon civil rights activism was linked with social disorder, and school desegregation was blamed for rioting. A spike in urban crime rates—which correlated with a proportionate demographic increase in young males in the population—provided convenient cover for law and order advocates seeking to link white suburban dread of disorder with black demands for real change that required more than appeasing ancient white fears and psychological projections (López, 2006; Martinot, 2003). Police occupation of Black communities contributed to riot in several major cities across the country, starting with Harlem in 1964. Under the rhetorical cover of the Goldwater campaign of 1964, New York State passed the Rockefeller Drug Laws along with harsh sentencing measures.

Some Black support for stiffer law enforcement and sentencing fueled claims by White conservatives that the highly punitive measures of drug laws had nothing, in the first place, to do with race. By 1970, linking drug use and disorder with urban (Black) activism could now be glimpsed as a new national electoral strategy (Alexander, 2012; Balko, 2014). Penned by President Richard Nixon advisor, Kevin Phillips, in 1969 under the title *The Emerging Republican Majority*, the “Southern Strategy” called for linking the Democratic Party of the

South to Black activism. Writing an early review of Phillips' book in 1969, a *New York Times* writer penned: "Full racial polarization is an essential ingredient of Phillips' political pragmatism. He wants to see a black Democratic Party in the South, because this will drive into the Republican Party [hated since the Civil War as the Party of Lincoln] precisely the kind of anti-Negro Whites who will help constitute the emerging majority [what Richard Nixon would dub in speeches as "the Silent Majority"]. This even leads [Phillips] to support some civil rights efforts" (Alexander, 2012, p. 45; Weaver, 1969). Race-baited electioneering has been a staple of U.S. politics, and party affiliations have been determined by race themes and voter disenfranchisement since the founding of the republic (Berman, 2016; Keyssar, 2009). In this instance, the results only three years later were stunning and historic, when Richard Nixon won every state in the union except Massachusetts in the 1972 general election for president. Meanwhile, the Rockefeller Drug Laws would serve as template for adoption by states across the Union following the ascent of the reconstituted Republican Party of Ronald Reagan in 1980.

WAR WITH DRUGS ON BLACK PEOPLE

President Ronald Reagan's first Attorney General, William French Smith, immediately established how the Reagan administration would put into perspective a refurbished War on Drugs, declaring: "The Justice Department is not a domestic agency. It is the internal arm of the national defense" (Balko, 2014, p. 139). Reagan's first successful bill would be the Military Cooperation with Civilian Law Enforcement Agencies Act of 1981, an amendment of the Posse Comitatus Act of 1878, which prohibited domestic law enforcement from using military personnel without explicit authority from the Congress and President. The bill authorized access by federal, state, and local police to military intelligence and research, and opened up access to military bases and military training of civilian police in the use of military equipment. Seeking to expand the bill's reach much further in 1982, Reagan soapboxed his intentions: "For all our science and sophistication, for all of our justified pride in intellectual accomplishment, we must never forget the jungle is always there waiting to take us over" (Balko, 2014, p. 145). On September 30, 1982, the U.S. Senate passed 95-1 a bill that authorized soldiers to arrest and conduct searches of U.S. citizens, along with a host of initiatives that monetized for law enforcement new serious imperiling Fourth Amendment restriction on unlawful search and seizure. Investigative journalist Radley Balko (2014) pinpoints the perverse consequences:

[Law enforcement] now had a strong financial incentive to make drug policing a higher priority and to devote more personnel to drug investigations than to investigating other crimes Most perversely of all, the promise of financial reward actually provided drug cops with an incentive to wait until drugs had already been sold to move in with searches and arrests. (Balko, 2014, p. 153)

In 1986, President Reagan signed into law National Security Decision Directive 221, designating illicit drugs a threat to U.S. national security. On May 5, 1987, Congress began public hearings examining evidence substantiating a covert operation initiated by the Reagan administration to channel revenue from arms sales to Iran for funding the Nicaraguan Contra rebels in violation of U.S. law. A decade later, under the news series heading "Dark Alliance," journalist Gary Webb published his findings of an expansive operation organized by the CIA to

smuggle crack cocaine into major U.S. cities, targeting Black communities. Writing in 2014, Alexander Cockburn sized up in *The Nation* the report into Webb's allegations by the CIA's Inspector General:

The actual report, so loudly heralded, received almost no examination. But those who took the time to examine the 149-page document—the first of two volumes—found [CIA's Inspector General, Fred] Hitz making one damning admission after another, including an account of a meeting between a pilot who was making drug/arms runs between San Francisco and Costa Rica with two *contra* leaders who were also partners with the San Francisco-based *contra*/drug smuggler Norwin Meneses. Present at this encounter in Costa Rica was a man who said his name was Ivan Gomez, identified by one of the *contras* as the CIA's "man in Costa Rica." The pilot told Hitz that Gomez said he was there "ensuring that the profits from the cocaine went to the Contras and not into someone's pocket." The second volume of Inspector General Hitz's investigation, released in the fall of 1998, buttressed Webb's case even more tightly, as James Risen conceded in a story in the *New York Times* on October 10 of that year. (Cockburn, 2014, p. 9) (See also Cockburn & St. Clair, 1999; Kornbluh, 1996; Shou, 2006; Webb, 1998.)

In 1996, President Bill Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), fulfilling his 1992 election pledge to "end welfare as we know it." This law was preceded by the Violent Crime Control and Law Enforcement Act of 1994 (propagandized by effective press utilization of the meme "superpredators"), which made possible a colossal surge of federal funds assuring the mass incarceration that is now successfully memed "The New Jim Crow" from Alexander's (2012) book by that title. Touted by conservative (Republican and "New Democrat") voices to "restore America's work ethic," PRWORA's achievement was to differentiate poor, single mothers from middle class motherhood, aligning the former with work eligibility on the argument that New Deal legislation had promoted a "culture of poverty" for which the only remedy was low wage, "honest" work. Although early estimates of success with increasing low-wage employment failed to supply stable indicators for positive effects on poverty, the enduring front of the War on Drugs assured legitimacy to welfare reform via media propaganda channels.

Studies performed by the Center for Budget and Policy Priorities (2017) and the National Poverty Center (Shafer & Edin, 2012) indicate that, in the more than 20 years since passage of PRWORA, Temporary Assistance for Needy Families (TANF) has provided necessary cash assistance to fewer and fewer qualifying families, even when need has increased. Also, according to the report, during and after 2008, TANF served few families in need; cash assistance allowances for families have eroded in nearly all states, leading to deeper or extreme poverty and less and less state support for employability readiness and placement. Compared with the program it replaced, Aid to Families with Dependent Children (AFDC), TANF plays a relatively minor role in reducing poverty.

These policy actions, by Republican and Democratic administrations alike, indicate that symbols of race have been central to the formulation of state policy and political rhetoric linking drug use and a narrative about poverty that is deeply inflected by racism. In fact, illicit drug use as a proportion of the U.S. population has never been higher for non-Whites than Whites. But federal sentencing guidelines for crack cocaine possession that materialized mysteriously in communities of color in the 1980s were 100 times harsher than those for powder cocaine until legislation passed in 2010 reduced the ratio to 18:1. According to the American Civil Liberties Union, "The FSA [Fairness in Sentencing Act] was a step toward fairness, but the 18:1 ratio was

a compromise and it still reflects outdated and discredited assumptions about crack cocaine. Because crack and powder cocaine are two forms of the same drug, there should not be any disparity in sentencing between crack and powder cocaine offenses—the only truly fair ratio is 1:1” (American Civil Liberties Union, n.d.). The following section canvasses theory useful for understanding how and why race remains so useful for organizing political rhetoric and policy narratives in the United States.

SEARCH FOR THEORY

In his influential book, *Punishing the Poor: The Neoliberal Government of Social Insecurity*, author Loïc Wacquant (2009) argues that the administrative priorities of the current, “neoliberal” era, constitute (after Bourdieu, 1994) a “bureaucratic field” by which state actors occupy a “splintered space of forces vying over the definition and distribution of public good” (Wacquant, 2009, p. 289). Wacquant combs the relevant dimensions:

The constitution of this space is the end-result of a long-term process of concentration of the various species of capital operative in a given social formation, and especially of “juridical capital as the objectified and codified form of symbolic capital” [Bourdieu, 1994, p. 4] *which enables the state to monopolize the official definition of identities and the administration of justice*. In the contemporary period, the bureaucratic field is traversed by two internecine struggles. The first pits the “higher state nobility” of policy-makers intent on promoting market-oriented reforms and the “lower state nobility” of executives attached to the traditional missions of government. (Wacquant, 2009, p. 289 [emphasis added])

Within the lower nobility, there is a second division between what Bourdieu (1994) dubs the “Left Hand” and the “Right Hand” of the state. The Left Hand, embodying the “feminine side of Leviathan,” is constituted by social service agencies addressing public health, education, housing, welfare, and labor law, which “offer succor to the social categories shorn of economic and cultural capital” (Wacquant, 2009, p. 289). The opposing and masculine Right Hand of the state administers the new terms of economic opportunity and responsibility through auspices of budgetary cutbacks, targeted investment incentives, and loosened restrictions on corporate global privileges. This matrix of upper and lower houses, left and right hands of the state, embeds state practices through punitive workfare for the poor and working classes and luxuriant financial deregulation for the One Percent under conditions of shrinking state obligations to social welfare and due process rights. “Here penalization serves as a *technique for the invisibilization of the social ‘problems’* that the state, as the bureaucratic lever of collective will, no longer can or cares to treat at its roots, and the prison operates as a judicial garbage disposal into which the human refuse of the market society are thrown” (Wacquant, 2009, p. xxii [emphasis in original]).

Prior to these paired, competing devotions of the state, there is the work that social stratification has already performed. As demographer Douglas Massey (2007, p. 58) notes: “From institutionalized discrimination in housing markets, other forms of racial separation naturally followed: racially separate schools, racially separate churches, racially separate stores, racially separate services, racially separate social networks, racially separate jobs, and a geographically isolated and politically subordinate Black population.” The black-white binary has long

been essential to preserving gambits waged by state elites and accepted by a pan-white consciousness—the “mob,” to which Alkadry and Blessett (2010) refer from Arendt (1973)—eager to hoard opportunities conferred on it under race-based social stratification in the United States (López, 2006; Martinot, 2003; Massey, 2007; Mills, 1997).

These gambits were apparent from the nation’s beginnings under terms and conditions of the expropriation (“primitive accumulation” in Marxist terms) of fixed capital components of land held by Indigenes and labor dispossessed of Africans. While rendering *individuals* invisible and disposable, these signifiers have made *group distinctions* vivid, salient, and indispensable, with remarkable persistence and virulence. The apprehensiveness of U.S. state elites toward the “99%” has been evident episodically, but always along split circuits, one nominally underclass and black(ened), the other nominally deserving of state entitlements and a bottomless supply of privileged, whitened cultural capital. This splitting of consciousness has beguiled a great deal of public administration writing on state legitimacy and the role of public servants under conditions of democratic governance geared, *de jure*, to a race neutral vision of procedural and substantive due process (Fields & Fields, 2014; McClain & Tauber, 2017).

Early twentieth-century intellectual struggles to secure for public administration a legitimate sphere of institutional authority stemmed from a perceived need to overcome intensely racist intellectual influences in political science and history departments on the one hand, and a business management doctrine of “neutral” competence on the other hand (Witt, 2006). In a fashion similar to Wacquant’s Left and Right Hand typology, this early intellectual context for public administration writing was itself subordinate to a dominant script serving “higher state nobility,” a narrative devoted to preserving what Young and Meiser (2008) convincingly dub the “dual state.” In this formulation, U.S. western expansion of the nineteenth century allowed the constitutional order to accommodate the white yeoman classes and, in doing so, ameliorate “predatory state” antagonism to working class interests. However, in order to make this accommodation work under the conditions of slavery and, later, Jim Crow, the U.S. constitutional order had to preserve tiered entitlements indexed to “deserving” races. As long as opportunities for real wealth and property acquisition were expanding, a racist order that otherwise contradicted a founding creed espousing egalitarian principles (a state “predatory” toward Black Americans and genocidal toward First Peoples) was eagerly accepted by white yeomanry. Thus, for most of the nineteenth century, the “deserving races” denoted a progressively expanding franchise of all Europeans. With the closing of the western frontier by the 1890s, urbanization intensified the contradictions deeply encoded into the dual state. Even before the apogee of the plantation system, race as a signifier and racism as a practice served capital accumulation (Baptist, 2016). However, for Whites to accept contradictory values, more than economic interests—like gentrification today or colonial appropriation previously—must be appealed to. Entitlement and social belonging must be embedded deeply into institutional practices and coded within political rhetoric so that conscious awareness of racist hypocrisy is routinely scuttled, allowing “the action to proceed” by which the “mob” is made disposed to expropriating wealth and rights from disparaged minority groups. Before the pseudo-science of race and the formation of the United States, social stratification and the formation of social castes gave structure to power and privilege for scores of societies (Massey, 2007).

Derrick Bell (2013a, 2013b) reasons that black(ened) lives endure as necessary symbol and fixture of an American mythos that requires the ritualistic forgetfulness about America’s founding in primitive accumulation and genocide. Conclusions drawn now about the

disposability of Black lives (as with Alexander, 2012) under conditions of state neoliberalism risk eclipsing enduring social signifiers determining the unbreakable linkages between race and state legitimacy in the United States.

Debord's (1967/1995, 1998) formulation of the "society of the spectacle" helps delineate formulations of state legitimacy that are otherwise undertheorized by Bourdieu, Wacquant, and kindred scholarship. At this stage of late capitalism, pieties like "the end of history," "the Washington Consensus," and "post-racial America" furnish for state elites narratives "allowing the action to proceed" that are useful for refurbishing democratic legitimacy. Terrorism, like communist hysteria before it, helps substantiate these otherwise empty pieties. Debord offers this terse conclusion:

Such a perfect democracy constructs its own inconceivable foe, terrorism. Its wish is *to be judged by* [whom it counts as] *enemies rather than by its results*. The story of terrorism is written by the state and it is therefore highly instructive. The spectators must certainly never know everything about terrorism, but they must always know enough to convince them that, compared with terrorism, everything else must be acceptable, or in any case more rational and democratic. (Debord, 1998, p. 24 [emphasis in original])

The racist formalisms giving shape to the terrorism trope have been around a long time in the United States, surfacing and resurfacing under many pretexts since at least the late seventeenth century with Bacon's Rebellion (Alexander, 2012; Martinot, 2003). Alexander (2012) argues that state security narratives in the United States emerge prior to major shifts in racial equilibrium. Young and Meiser (2008) understand these narratives as recurrent indicators of state legitimation processes operating in the U.S. context since its founding. In a fashion similar to Yanow's (2003) determination of the logic that makes sets salient, Mills (1997) finds that these narratives form the superstructure of a global, white northern alliance of nations united, beyond parochial differences, to expropriating resource wealth from first and displaced peoples everywhere else. No singular theoretical perspective offers sufficient account of state actions and racism. Any attempt to understand multilateral and multidimensional attributes of racism and state actions benefits from an ecumenical approach to theory.

CONCLUSION

On September 27, 2017, the *Chicago Tribune* reported that Senator James Lankford (R-OK) claimed that Russian internet trolls had encouraged professional Black football athletes to continue supporting the Black Lives Matter campaign by kneeling during the pre-game national anthem. With no material evidence (no IP addresses, Twitter sources, etc.) to support this assertion, Lankford claimed that the Russian goal was "to try to raise the noise level in America to try to make a big issue, an even bigger issue as they're trying to just push divisiveness in the country" (Barrett, 2017). Painting civil rights action with the brush of foreign espionage has been a staple of U.S. political elite fabrication since the First World War, because the conditions of racism guarantee unrest calling into question the foundational institutions of the nation. As this article has demonstrated, these foundations have served the majority interest and because the majority is loath to examine its culpability, projections of fear and insecurity have inevitably re-victimized non-White Americans. For that matter, Ronald Reagan was more on cue to an

approved and enduring script pandering to white phobias than he was prophetic when he declared, “For all our science and sophistication, for all of our justified pride in intellectual accomplishment, we must never forget the jungle is always there waiting to take us over” (in Balko, 2014, p. 145). These words were carefully chosen to trigger identification by White America with racist hysteria that has fused with public institutions in seamless and hidden ways.

Public service education and training must come better to terms with the veiled and tactical manner in which race has been invented and utilized for indexing privileges rooted in a collective sense of entitlement; an apartheid system maintained by state elites and accepted by a white “mob” inured to its complicity in forming a state that depends on racism to shore up its sense of security and legitimacy. Hosting topical symposia in mainstream, first-tier public administration and allied journals would go a long way toward making matters of state racism sayable and teachable that otherwise fall upon ears conditioned not to hear.

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