



**WESTERN
MICHIGAN**
UNIVERSITY

The Journal of Sociology & Social Welfare

Volume 35
Issue 4 December

Article 12

2008

**Review of *The Lost Promise of Civil Rights*. Risa L. Goluboff.
Reviewed by Wilma Peebles-Wilkins.**

Wilma Peebles-Wilkins

Follow this and additional works at: <https://scholarworks.wmich.edu/jssw>



Part of the Social Welfare Commons, and the Social Work Commons

Recommended Citation

Peebles-Wilkins, Wilma (2008) "Review of *The Lost Promise of Civil Rights*. Risa L. Goluboff. Reviewed by Wilma Peebles-Wilkins.," *The Journal of Sociology & Social Welfare*: Vol. 35 : Iss. 4 , Article 12.

Available at: <https://scholarworks.wmich.edu/jssw/vol35/iss4/12>

This Book Review is brought to you by the Western Michigan University School of Social Work. For more information, please contact wmu-scholarworks@wmich.edu.



immigrants makes it possible for West Indians to differentiate themselves from African Americans, and therefore distance themselves from the "negative" racial stereotyping of blacks in the U.S., which helps to strengthen West Indian ethnic solidarity. But it is doubtful that increased ethnic solidarity helps West Indians to be incorporated into a racially stratified society.

Learning from the experience of Chinese immigrants in the U.S., the success of a small section of Chinese "model minority" immigrants, who have excelled in education, employment, social status and social integration, overshadows a large group of Asian immigrants who have not been economically successful. The experienced success has not prevented a conservative backlash in welfare and educational policies. As Chinese Americans strengthen their ethnic solidarity, due to their unique immigration history and distinguished role in a series of anti-oppressive battles with the American legal and social systems, they are also seeking pan-ethnic solidarity in order to resist institutional oppression and change the status quo that tends to exclude Asian Americans from mainstream society.

For West Indian immigrants, their success in the new country is phenomenal, which is attributable to the social networks. However, in a racially stratified society, immigrants of color have been and will continue to be discriminated against until institutional changes are made to eradicate racism or ameliorate its effects on people of color.

Qingwen Xu
Boston College

Risa L. Goluboff, *The Lost Promise of Civil Rights*. Cambridge, MA: Harvard University Press, 2007. \$35.00 hardcover.

This book adds to the voluminous body of literature on civil rights and the civil rights movement by analyzing labor force litigation, which has taken a backseat to education litigation and the 1954 *Brown v. Board of Education* decision. Civil rights advances have heretofore been largely chronicled in relation to education in the post-Brown era and litigated on the basis

of the 'equal protection clause' of the Fourteenth Amendment of the Constitution. Labor litigation from the 1940s onward is described as having a different Constitutional emphasis—an emphasis which focused primarily on involuntary servitude and the Thirteenth amendment. Collective bargaining-related litigation focused on the First Amendment and the right to protest.

Written by an accomplished legal historian and scholar, this book chronicles pre-*Brown* labor litigation based on research of primary source documents, such as letters of complaints from African American workers sent to the NAACP Legal Department and the Civil Rights Section of the United States Department of Justice, related communications and, of course, early case law. Previously published award-winning journal articles are also used to the inform the book's contents.

Risa Goluboff is an authority on civil rights and a contemporary advocate for social and economic justice, and the book reflects this perspective. Historically, the author reframes existing interpretations of the evolution of civil rights and offers an interesting reconstructive history of the civil rights struggle. Jim Crow laws have been treated as a form of state-mandated segregation laws and customs. However, Goluboff discusses Jim Crow as a form of economic exploitation which involved the public and private sector, and other geographic areas of the nation as well as the South. Instead of describing civil rights history in the context of the *Brown* decision, she develops a timeline which begins with a focus on the early labor rights complaints in the 1940s after the passage of New Deal legislation, when African American agricultural and domestic workers in the South were seeking redress for unfair and poor treatment in the labor force. She then moves from the complaints about the mistreatment of agricultural and domestic workers to industrial workers in the North of the country. In the pre-*Brown* period, the work of the Civil Rights Section (CRS) of the Department of Justice tended to focus on African Americans who were the worst paid and in the worst jobs, and emphasis was on preventing their return to involuntary servitude and slavery type or work conditions.

The book is introduced with a descriptive account of African American agricultural workers in the 1940s who were

transported to Florida to cut sugar cane for good wages only to learn that they had to pay for tools to cut the cane and make other purchases which created a sharecropper-like debt with the employing company. These African Americans were lured to Florida by flyers for 'colored workers' designed to help the unemployed obtain work and were distributed by the United States Employment Service. The 'slave camp' conditions as described in complaints from African American workers provide a poignant backdrop for Goboluff's presentation of the historical development of the civil rights of labor litigation.

Prior to the 1950s and beyond, both agricultural and domestic workers in the South wrote letters of complaint to the CRS and the NAACP Legal Department describing horrible labor conditions, poor living environments, poor wages, violence, and entrapment in employment situations. These African American men and women did not enjoy the benefit of the economic protection of New Deal legislation. African American workers in the country's industrial areas were either excluded from unions or paid segregated union dues resulting in differential privileges. Unlike the CRS (primarily white attorneys), the NAACP (primarily African American attorneys) dealt with such complaints from the private perspective, but was limited in effectively pursuing civil rights for these low-wage African Americans. Different types of labor cases were taken to court by the two groups, but both groups were trying to develop a Constitutional framework for civil rights litigation. The CRS also had a goal of securing more universal labor rights and understood civil rights more in this context. The NAACP became more effective with *Brown* and litigation focused on protection from the psychological harm of segregated education and equal protection. A new paradigm for civil rights litigation was created. As a result, collective bargaining and economic rights and the Constitutional framework for protecting economic rights became uncertain. The identification of racial equality as definitive criteria for understanding and litigating civil rights was initiated with *Brown* and a more linear approach to litigating civil rights based on the Constitution was instituted.

Although the book is something of a challenge for the non-legal scholar, it is well researched and documented and is filled with information, historical details, and case law. New

dimensions are added to our understanding of race and equitable treatment, and to our contemporary understanding of civil rights and the concept of Jim Crow.

Wilma Peebles-Wilkins

Brian Adams, *Citizen Lobbyists: Local Efforts to Influence Public Policy*. Philadelphia, PA: Temple University Press, 2007. \$71.50 hardcover, \$25.95 papercover.

In the context of growing concerns about the democratic deficit among citizens and the legitimacy and responsiveness of public institutions, political scientists and other scholars are giving renewed attention to citizen involvement in public policy. By participating in policy development, citizens can potentially influence policy issues and decisions, thereby promoting government responsiveness and accountability. However, as the trends outlined above continue, fewer individuals will likely become involved. This non-involvement by citizens can limit the scope and quality of the information utilized in policy formation, which can ultimately result in unresponsive, ineffective policy decisions. If the potential of participation is to be maximized, its practice must be transformed. Given current trends, examining empirical cases of participation is an important part of this transformation, especially analyses that shed light on the factors that contribute to participation. Further, to be most useful, these investigations must approach participation as multidimensional and complex. Considering both citizen- and state-initiated participation is part of this analysis; the tendency in the field is to examine one or the other.

Adams' work makes an important and accessible contribution to understanding participation by providing a comprehensive analysis of citizen involvement in local policy processes in Santa Ana, California, specifically participation in city and local school board policies between 1990 and 2000. Focusing on citizens who were "active" policy participants, Adams examines the characteristics of the policies in which these citizens were involved and then documents the activities they used to achieve their political objectives. He explores these dimensions through interviews with these citizen participants, minutes of