

INTRODUCTION

THE AMERICAN PROTEST TRADITION

If we appear to seek the unattainable, as it has been said,
let it be known that we do so to avoid the unimaginable.

—Tom Hayden, Students for a Democratic Society, 1962

AS I ADD THE FINISHING TOUCHES TO THIS INTRODUCTION, nearly six years removed from the Wisconsin labor protests, police forces representing at least seventy-five agencies from ten different states have converged on the Standing Rock Sioux reservation in North Dakota, equipped with riot gear and armored vehicles. They are not there to join indigenous Americans as they defend the water supply of current and future generations. The police are there to stand with private security forces and ensure the building of a \$3.8 billion oil pipeline. They have fired tear gas, concussion grenades, water cannons, and rubber bullets at the Water Protectors. They have arrested more than four hundred people, including journalists and a documentary filmmaker, threatening the latter with up to forty-five years in prison. How this conflict is ultimately resolved—and it may be by the time you read this book—will depend largely on whether the Standing Rock Sioux and their allies can attract enough public support to isolate Energy Transfer Partners, the company building the pipeline, from its financial backers and government supporters. In short, the deciding factor will be whether they can pressure the people in power. Even with support from more than two hundred indigenous nations and thousands of US military veterans, as well as a brief reprieve from the outgoing Obama administration, this will not

be an easy task. The current historical moment is one in which the power of US corporations is immense, and the Dakota Access Pipeline's many investors—Goldman Sachs, Wells Fargo, JPMorgan Chase, and President Donald Trump, among them—are well connected at every level of government.¹

Over the past five decades, US corporate interests, and through them American elites, have seen both their economic power and their influence in government increase dramatically. In the words of economist Richard Wolff, “Years of ideological preaching about the superiority of private, deregulated, market-driven capitalism served to enable and mask one of the largest and fastest upward redistributions of income in modern history.”² Corporations’ lobbying power, ability to direct public narratives, freedom to finance political campaigns, and direct access to the legislative process have allowed them to shape much of the country’s foreign and domestic policies. Unsurprisingly, the tax obligations of the wealthy have been greatly reduced (in the 1950s, top earners paid a tax rate of over 90 percent; today it is less than 40 percent), as have restrictions on the ways that businesses can extract profit and pass “external” costs along to the public.³

Meanwhile, the US government has acted as a corporate proxy, providing trillions of dollars in revenue from the taxpayers and facilitating access to resources and cheap labor through trade agreements and military force. This process has had devastating, and well-documented, effects on the economic prospects of the American middle class, working classes, and poor. Numerous economic graphs of the US in the twentieth century—the income and wealth of the bottom 90 percent, the middle class’s share of the nation’s wealth, membership in labor unions, and the income and wealth of the richest 1 percent—show similarly wide but clear bell curves (or reverse bell curves, in the case of the wealthy) with a rise through the 1940s and 1950s and a decline since the 1980s and 1990s. Unquestionably, the period in the middle was the heyday

for American workers, and it came at the expense of the people at the very top, though they remained incredibly wealthy throughout. The political shake-up of the post-1960s period has since widened the gap in wealth between the rich and everyone else. Most germane to this book, it has also reshaped the abilities of everyday Americans to influence their government and to pressure the private sector through protest.

In the classic text *Poor People's Movements*, Frances Fox Piven and Richard Cloward present political power at its most basic level. “Those who control the means of physical coercion, and those who control the means of producing wealth, have power over those who do not.”⁴ In the US, power is contested in a number of different spheres, among them the courts, the media, electoral politics, the marketplace, and the streets. These venues are all dominated by the powerful—the elites. They have the most money. They have the most lawyers. They own the most television and radio stations—as well as social media outlets. They are the biggest donors to both political parties. And they lobby for laws that further tilt the balance in their favor, by discouraging voter turnout, easing media mergers, criminalizing various methods of protest, and, above all, further increasing their wealth.

Protest movements, in all of these arenas, are challenges to the powerful by people without other means. They are bottom-up phenomena. When the people at the bottom of society seek change, they must ultimately clash with those at the top: private interests (the wealthy elite, Big Business, the ownership class) and those who control armies and police forces (essentially, the government). These are rarely separate categories. In recent history, as corporations have grown larger and more powerful, the line between the private sector and representatives of the state has become even less clearly defined. In addition to a revolving door between US regulatory agencies and the industries that they exist to monitor, consider, for example, Peter Chowla's findings that at the

beginning of the twenty-first century, eleven of the twenty largest annual revenues in the world belonged to national governments, while nine belonged to multinational corporations. Big Business is very big indeed.⁵

But though unable to match the powers of funds or force that exist at the top, protest movements have some other advantages, among them the potential for strength in numbers and the ability to withhold the cooperation on which elites routinely depend. Workers, for example, can shut down businesses—and entire economies—by simply refusing to work and going on strike. Disobedience by students, pedestrians, journalists, shoppers, bicyclists, prisoners, drivers, and others can have similar effects, though not without repercussions.

When protest movements are successful, they disrupt. They upend the status quo, divide coalitions of the powerful, and compel reforms. Before becoming a war for independence, the American Revolution was a protest movement with hopes and possibilities for freedom that were much wider ranging than those typically associated with the Founders. Through decades of meetings, marches, boycotts, rallies, speeches, and pamphlets, the movement split the loyalties of colonial elites, before eventually provoking a military occupation. The protest traditions of revolutionary America, enshrined in the First Amendment with “the right of the people peaceably to assemble,” were incredibly raucous and unruly. They included publicly shaming members of the upper class in person, burning and decapitating them in effigy, and destroying property—tea, most famously, but also ships and the homes of government officials.⁶

Decades later, the divisions between the Northern and Southern states that led to the US Civil War were inflamed by antislavery activists who organized groups, held meetings, published newspapers, gave speeches, and formed political opposition parties—in addition to smuggling escaped slaves to freedom and, occasion-

ally, taking up arms against slaveholders. Their moral demand, for an end to American slavery, was culturally shocking and, importantly, had major economic implications for the nation's wealthy elites. Abolitionists' meeting halls were burned to the ground. Their speeches and writings drew violence and death threats. Pro-slavery mobs broke Frederick Douglass's hand, dragged William Lloyd Garrison through the streets, and murdered ministers Elijah Lovejoy and Anthony Bewley. And when the Southern states seceded, they listed alongside their continued devotion to white supremacy and slavery a series of grievances that included abolitionists' use of "the ballot box" and "seditious pamphlets and papers" to spread the antislavery cause.⁷

Protest and resistance to a range of oppressions were constants in the post-Civil War US, as well. American Indian nations defended their homes from a military invasion in the West. Generations of African Americans resisted the violence and humiliation of systematic "Jim Crow" racism. In the face of beatings and imprisonment, American women picketed the White House to demand voting rights. American workers, many of them recent immigrants, engaged in strikes and armed battles with employers in mines, fields, and factories all over the country. These acts of defiance cost many people their lives, and tangible victories were few and far between. The clearest and most widespread successes culminated in the protest waves of the 1930s and 1960s, which together created the most economically egalitarian moment in US history.⁸

During the Great Depression of the 1930s, factory workers, the unemployed, World War I veterans, farmers, and others engaged in thousands upon thousands of strikes, protests, and other revolts. They picketed and marched. They blocked roads. They walked off their jobs. They occupied factories, and they shut down ports. And they forced a major shift in federal policy, which materialized in President Franklin D. Roosevelt's New Deal—patchwork

economic reforms that included a minimum wage, Social Security benefits for the elderly and the disabled, a ban on child labor, food stamps for the hungry, government jobs programs, the legal right to join a labor union, and a series of new rules limiting the reckless behavior of banks and Wall Street.⁹

Despite significant opposition from business leaders, the liberal policies of the New Deal brought an end to the Long Gilded Age, more than half a century in which workers toiled in an unstable and incredibly dangerous “laissez-faire” economy that killed tens of thousands of people in workplace accidents each year. For decades, business owners had demanded “hands-off” government in terms of regulation, but they were otherwise content to accept government contracts and assistance in opening foreign markets and recruiting migrant workers. They were also quick to demand government intervention against their striking workers. Between 1880 and 1930, for example, courts declared labor strikes illegal forty-three hundred times. At the behest of powerful business owners, police, the National Guard, and the US military were also routinely ordered to arrest, attack, or kill striking workers. The Great Railroad Strike of 1877, for example, was crushed—and one hundred striking workers were killed—by thousands of US troops, the National Guard militia of several states, and a variety of police, “special police,” and other vigilante groups organized by city mayors. The famous Pullman Strike of 1894 met a similar fate at the hands of more than ten thousand US soldiers and state militia. During the Ludlow Massacre of 1914, mining-company guards, backed by Colorado militia, “machine-gunned and torched” a tent colony of striking workers’ families, killing twenty-one people, including eleven children, in a strike that was also ultimately decided by federal troops. In 1921, ten thousand coal miners in West Virginia faced off in open battle with thousands of coal-company soldiers, before the US Army threatened to drop bombs on the striking workers. Such clashes were ubiquitous.¹⁰

During the subsequent Liberal Era that spanned roughly the 1930s through the 1970s, work was still dangerous, and the US government remained a chief ally of industry—especially through its aggressive Cold War foreign policy. However, New Deal liberalism also offered basic rights for many American workers and at least the potential for government arbitration.

Broadly speaking, liberal policies aimed to soften capitalism's harshest edges, to promote the creation of a middle class, and to circulate money through employment and mass consumption. Food stamps, for example, fed desperate, hungry Americans, while also supporting grocery-store owners, food transporters, and farmers, who then made their own purchases, continuing the cycle. It was good for business, and millions of Americans shared in the rewards of a booming economy: stable employment, a roof over their heads, security in old age, and schools rather than coal mines for their children. However, the benefits of these policies—the New Deal and, after World War II, college tuition and subsidized home and farm loans through the GI Bill—were primarily reserved for white, heterosexual men. Many of the demands for which generations of workers had fought and died became law, but the depths of American inequality were exposed by new mass movements led by those who were deliberately left out: people of color, women, youth, and LGBT folks, among them.¹¹

Wealthy elites, who rightly viewed the New Deal as an infringement on their power, quickly began organizing a counter-movement to limit the impacts of the reforms and to prevent any further movement gains. They rolled back labor rights through the 1947 Taft-Hartley Act, for example, and they used the Cold War banner of anticommunism to undercut the efforts of labor unions and civil rights organizations. For nearly half a century, however, the ruling classes—Democrats and Republicans alike—were more or less forced to take for granted basic liberal assumptions. New Deal planks such as Social Security, minimum wage,

and child-labor bans were mainstream, at least in national politics. Meanwhile, societal shifts after World War II—a judiciary that was more receptive to the legal arguments of marginalized Americans, a Democratic Party suffering from sharp regional divisions, and a national television audience steeped in Cold War propaganda about the virtues of freedom, democracy, and equality—created new vulnerabilities among the powerful and opened new avenues to movement pressure.

The civil rights movement, which had been building for decades, seized on these opportunities. While the broader black freedom struggle was dynamic—and nurtured a range of philosophies on tactics, strategies, and objectives—the most successful protest thread revolved around courtroom battles and widespread civil disobedience. Civil rights lawyers challenged hundreds of the country’s white-supremacist laws, while activists organized boycotts, sit-ins, stand-ins, pickets, marches, and other protest campaigns in essentially every city in the country—North and South. Movement strategists were especially adept at framing protest actions for media consumption in the newly televised world. They organized extensive training in the tactics of nonviolent civil disobedience and nonretaliation, emphasized conventional and formal clothing, and selected predictably reactionary targets. The resulting photographs and newsreel footage clearly displayed images of violent, angry racists attacking peaceful, well-dressed activists who were making objectively reasonable demands. These images highlighted the contradictions between daily realities in the “Jim Crow” US and many Americans’ view of their country, building national support for civil rights legislation, as well as international pressure on the US government. The civil rights movement’s message resonated with youth in particular, sparking protest movements at high schools and colleges nationwide.¹²

As a younger generation began steering the movement in the early 1960s, inspired students sought organizational training from

such groups as the Student Nonviolent Coordinating Committee (SNCC) and then used it to challenge their schools' policies, curricula, and roles in US society. The student movement later galvanized around opposition to the Vietnam War, joining a mass movement that protested the centers of government, boycotted the draft, and tried to disrupt the war industry, including napalm-producer Dow Chemical and weapons developers at the country's research universities. The Sixties period is often described as a "movement of movements," as dozens of other protest movements also emerged to make demands of the powerful, modeling themselves on existing groups or responding to shortcomings within them: Black Power, women's liberation, the environmental movement, Yellow Power, Red Power, the Chicano movement, gay and lesbian liberation, the counterculture (and its political wing), and many, many others. Workers not covered by New Deal labor laws also pushed for improved working conditions during the period through new unions, notably the United Farmworkers (UFW).¹³

Angry mobs and the Ku Klux Klan, as well as police, the National Guard, and the FBI, violently defended the status quo through widespread harassment, beatings, bombings, false imprisonment, and murder of American activists. Nonetheless, by the mid-1970s, the many movements of the Sixties era had helped build on the New Deal's legacy with "Great Society" poverty programs, such as Medicare, Medicaid, and Head Start. They also forced significant cultural shifts—and concrete policy changes—on issues of race, gender, sexuality, and militarism.¹⁴

The civil rights movement, in addition to its many courtroom victories, prompted the passage of the Civil Rights Act of 1964, which prohibited racial discrimination in public accommodations and employment; the Twenty-Fourth Amendment, which eliminated poll taxes; the Voting Rights Act of 1965, which outlawed voter literacy tests; and the Civil Rights Act of 1968, which prohibited racial discrimination in the sale and rental of housing.

Women's liberation activists founded nearly one thousand rape crisis centers and forced the passage of Title X, which established federal funding for family planning services, and Title IX, which mandated gender equality in public education, including athletics programs. Feminist legal activists also won the *Roe v. Wade* decision in 1973, the passage of "no fault" divorce laws, and the elimination of "marital rape" exemptions in many states.

The environmental movement, the subject of chapter 1 of this book, won the passage of the Wilderness Act of 1964, which protected over nine million acres of federal land, as well as the Urban Mass Transportation Act of 1964, which provided federal matching funds for large-scale rail projects. Environmentalists also forced the establishment of the Environmental Protection Agency, in 1970, and the passage of the Clean Air Act of 1970, the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, the Safe Drinking Water Act of 1974, and the Soil and Water Resources Conservation Act of 1977, among other protective regulations.¹⁵

With mixed results and sometimes contradictory demands, the many protest movements of the 1930s and 1960s eras collectively fought to create a United States with a stable economy, middle-class opportunities and rights for workers, access to public education, democratic protection of the environment, and legal, social, and political equality regardless of race, class, gender, or sexuality. These were not the offerings of liberals. They were the demands made of them. They were the victories of protest movements, based on the historical vulnerabilities of the Liberal Era power structure.

By necessity, many of the reforms of the period materialized as federal laws and government programs. Before the New Deal established national child-labor laws, factory owners had simply fled states such as New York, which banned child labor, for states such as Alabama, which did not. Federal initiatives had

also been necessary to trump the white-supremacist laws of cities and states. Under “Jim Crow,” as under slavery, rallying cries for “states’ rights” were not just political principles; their agenda was nonintervention against white supremacy, specifically.

As the Sixties era came to a close, American elites were determined to unravel the changes of the midcentury—to undercut workers’ rights, to work around environmental regulations, to re-segregate neighborhoods and schools, and to eliminate poverty programs. To do so, however, they needed, first and foremost, to undermine the enforcement of federal laws and policies. Their guide was neoliberalism, a new iteration of the laissez-faire ideas that predated, and largely caused, the Great Depression.

POST-LIBERAL AMERICA

Beginning in the 1970s and cemented with the election of Ronald Reagan in 1980, the Post-Liberal Era has seen a deliberate and aggressive rollback of liberal policies and a return to many of the economic dynamics of a century earlier. Some scholars have dubbed this period a “Second Gilded Age,” noting the increased influence of corporations in US government and the growing gap between the US’s wealthy elite and its poor and working classes. In this new Gilded Age, hedge-fund managers and Silicon Valley tech giants have replaced the railroad tycoons of the late 1800s, while bankers and oil barons have simply consolidated and changed company names. The country’s richest people have grown considerably wealthier, while cuts to public services, deindustrialization, personal debt, and declines in union membership have undermined the middle class. The bipartisan “War on Drugs” has made the US prison population the largest in the world and created a multibillion-dollar for-profit prison industry that backs “tough on crime” politicians and recruits businesses to relocate their factories behind prison walls—where minimum-wage laws do not

apply. Global temperatures, meanwhile, have been the hottest in modern history. The fossil-fuel industry, which has privately acknowledged the dangers of climate change for decades (and receives billions of dollars in annual taxpayer subsidies), spends millions of dollars each year to convince the American public that climate change does not exist—and to fund politicians who promise inaction.¹⁶

In the Post-Liberal Era, the term “liberal” is still used in American political discourse as a foil to “conservative,” but in reality, neither major political party has championed liberal economic policies in many decades. Each has combined neoliberalism with its own package of social policies, presenting the confusing reality that American “conservatives” may simultaneously support conservative social policies, neoconservative foreign policies, and neoliberal economic policies. However, the mainstream of both parties, beginning with Republicans under Ronald Reagan and then Democrats under Bill Clinton, have unquestionably adopted economic policies firmly rooted in neoliberal assumptions. Their proposals have rarely been identical in scale or malice, but they have taken for granted the same broad goals of lowering taxes for the wealthy, cutting public services for the poor, funneling public funds and resources to corporations through privatization, and eliminating rules and regulations for businesses. The Republicans have typically promoted neoliberalism through a combination of fear of outside threats (notably communists and terrorists), assaults on women’s rights and LGBT rights, and blame for the country’s economic woes on people who, unlike themselves, have effectively no control over economic policy—whether Reagan’s mythical “welfare queens,” the schoolteachers of Wisconsin, or refugees and other immigrants. The Democrats, meanwhile, have largely offered the same basic economic package, dressed with modestly progressive social reforms, from Clinton’s “Don’t Ask, Don’t Tell” approach to military service to Barack Obama’s health-

care initiatives and cautious support for marriage equality. The policies of the two parties are not identical, and even minor differences in policy can have major impacts on people's lives. However, like the *laissez-faire* doctrines that dominated the turn of the last century and the New Deal liberalism that guided the 1930s through 1970s, neoliberalism is the ruling philosophy of its era, not a partisan division.

This book explores how US economic, cultural, and political elites in the post-Sixties period turned the tide against the movement gains of the previous decades and how these changes reshaped the ability of activists to impact the political process. In short, it bridges the study of resistance and protest—the work of Piven and Cloward, James C. Scott, and others—with the growing scholarship on the political economy of the Post-Liberal Era. To demonstrate these links, I use case studies from a range of protest movements.¹⁷

Chapters 1 and 2 present the Post-Liberal political landscape of the 1980s at the local level, through the work of environmental activists and punk rockers. Chapter 3 offers a slightly broader lens, examining “free”-trade globalization and the complex structures of multinational corporations through a nationwide boycott by migrant farm workers and their student allies. Chapter 4 expands the focus even wider with some of the many clashes that surrounded the US invasion of Iraq in 2003. Chapter 5 acts as a conclusion and outlines how neoliberal policies created the greatest economic collapse in nearly a century and how policy makers then doubled down, using the crisis to pursue their agenda even more aggressively. Rather than focusing on a group or a movement, chapter 5 approaches the ongoing protest politics of recent years as a “movement of movements” against neoliberalism on many fronts: Occupy Wall Street and #BlackLivesMatter, as well as massive, diverse movements for environmental justice, social justice, immigrant rights, peace, and more.

Through these examples, I hope to tell a broad story about the changes of the past half century and to provide a lens onto how protest movements work—first at the level of local activists and organizations, then on increasingly larger scales. The book offers glimpses into some of the relationships between protest movements and the powerful, but it does not claim to be a complete history of either politics or protest during this long period. My hope, rather, is that it can provide a useful framework for understanding the many significant actions, events, activists, organizations, and movements that it neglects.

This book follows the trajectory of neoliberal capitalism, though it is by no means the only historical thread through this period. I delineate the paradigmatic periods of the Post-Liberal Era roughly according to the policy shifts and dominant struggles under US presidential administrations, those of the 1980s of Ronald Reagan, the 1990s of Bill Clinton, the 2000s of George W. Bush, and the 2010s of Barack Obama. However, the specific years and the names of US presidents (with apologies to George H. W. Bush) are much less important than the distinct steps that each represented in the development of the neoliberal project. The Reagan administration undercut the domestic policy shifts of the 1960s and reshaped mainstream political rhetoric about the role of US government. The Clinton administration, under the guise of progressivism, continued to unravel Liberal Era domestic reforms through austerity and deregulation, while overseeing the rapid deregulation of global investment and manufacturing through “free”-trade programs. The Bush administration furthered the deregulation of the fossil-fuel industry, privatized education and warfare, and funneled public funds to Wall Street banks after they sank the global economy. The Obama administration, the most difficult to assess historically, tried to stabilize neoliberal capitalism, pursuing many of these same policies while limiting some of their excesses.

I deliberately focus very little on interparty (or intraparty) struggles or whether specific policies were initiated by the president or Congress. Party politics certainly offer an additional lens onto some of these changes, as would an in-depth focus on shifts in media or in courtroom strategies. In this case, however, they distract from the larger point about the overall effects of the neoliberal shift. I am much more interested in the struggle between the people at the top and the bottom than those on the left and on the right (or the center-right and right, in the case of US party politics). For the sake of simplicity, I also focus primarily on federal policies, though similar dynamics shaped political realities at the state and local levels, as seen for example, in Wisconsin in 2011 and, more recently, at the Standing Rock reservation in North Dakota.

Political power (government) and economic power (the wealthy) overlap considerably in the Post-Liberal period, but they are still vulnerable to different protest tactics, whether elections and recalls or boycotts and strikes. The power of elites also depends on a variety of contextual variables, many of which are historical. In other words, the protest methods that were effective in the 1960s may not have been useful in the 1780s, 1880s, or 1980s.

TO AVOID THE UNIMAGINABLE

This book examines US protest movements in the Post-Liberal Era, a period in which neoliberal government policies have returned the US economy to a raw, brutal, and largely unrestrained form that is similar in many ways to that which predated the New Deal. In this new Gilded Age, however, Big Business's global reach is far greater than it was a century ago, and it is backed by the most powerful government apparatus in world history.

This is a book about a fight, and it is not a fair one. On one side are US elites—those with power and those in power—who have

used neoliberalism to increase their wealth, expand their influence, and consolidate political control over the course of the past half century. On the other side are countless groups of activists, associated with a wide variety of communities, causes, and movements, who have attempted to challenge the logic and policies of neoliberal capitalism through protest. Their successes have been both rare and dishearteningly limited—often, the status quo or less severe losses than could have been. Life, however, is lived in the margins of these wins and losses. Even without clear, dramatic victories, these clashes altered history and changed people's lives.

In the 1960s, American college students, inspired by the unfolding civil rights movement, conceded in their call to action that the goal of a truly democratic society seemed impossibly naive but that the alternative, to do nothing, would allow for the unacceptable and “unimaginable” continuation of violent, dehumanizing racism and a Cold War foreign policy that inched ever closer to nuclear war. Whether they could alter the trajectory of history or not, they vowed to join those who were already on the front lines and to force those who were in power to go through them, as well. At the very least, they devoted themselves to preventing the worst-case scenario. The protesters and other activists in this book, like those students and their many predecessors in US history, engaged in a struggle to make their world more just and more humane. They did so knowing that the odds were against them and without the promise of a revolutionary victory to reward their sacrifices.¹⁸

This book contains many arguments, but its underlying premise is a simple one. The history of the United States is a history of conflict. It is a history of violent oppression and tremendous inequality, of settler colonialism, genocide, theft, rape, slavery, child labor, and war. It is also, however, a history of defiance, dissent, and opposition to the status quo—slavery and child labor, yes, but also the protest movements that confronted, and ultimately helped end, those institutions. American rabble-rousers and troublemak-

ers have routinely championed unpopular positions and picked fights with much more powerful opponents. Their victories have been infrequent and nearly always come at great costs, but protesters have been, and continue to be, a major force for American democracy, from the expansion of voting rights and the end of segregation laws to minimum-wage standards and marriage equality.

The world around us is a legacy of struggles won and lost and routinely fought again: free speech, slavery, voting rights, child labor, and segregation among them. Even if you, the reader, choose not to engage in these conflicts, we all still live in the world that they create. They determine the limitations on our basic legal freedoms and rights. They create our opportunities for education, employment, recreation, and leisure. They dictate our access to health care, food, shelter, clean air, and water. They define our relationships to our government, our jobs, our communities, our friends, and our lovers. In short, they decide the quality of our lives.