

PUTTING THEORY INTO PRACTICE: USING A HUMAN RIGHTS FRAMEWORK AND GRASSROOTS ORGANIZING TO BUILD A NATIONAL REVOLUTIONARY MOVEMENT

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INTRODUCTION

Derrick Bell's *The Space Traders*—a parable of the final fulfillment of the ruling class's dehumanizing and racist divide and conquer tactics was written long before the Tea Party emerged, but the story foreshadows its rise. In the story, the United States has squandered all its natural resources, irreparably degraded the environment, and faces a crippling national debt. One auspicious day, a spaceship arrives with solutions to all of the United States' problems—the key to clean energy, a way to clean up the environment, and enough money to erase the national debt. All the space traders ask for in return is that the African American population of the country be rounded up for transport on the ship to an uncertain end.¹

The Tea Party has all but promised working class White America that a similar vessel is on its way to erase all of the country's problems by removing immigrants and people of color and taking the country back for hard-working Whites.² The Tea Party's promised ship does not hail from outer space, but has set sail from a new legal and policy landscape of privatization, globalization,

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¹ DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 158-60 (1992).

² Sarah Palin Blog: News and Views about Sarah, http://sarahpalin.blog.typepad.com/sarah_palin/2010/03/team-sarah-broadcast-on-a-mission-to-take-back-our-country.html (announcing that Sarah “is on a mission to take back our country”).

and corporate power and is headed south—straight to the Mexican border.³

In these challenging economic times, the Tea Party's promise of a prosperous America is compelling. Poor and working class Whites, whose livelihoods have been gutted by globalization and the financialization of our economy, can find in its racist simplicity a scapegoat to explain their poverty, insecurity, and desperation, as well as a beautiful dream of a better world. This better world would be one in which they somehow are magically given the gift of prosperity, thereby rising up out of the working class and into the ruling class where they have been told they belong.⁴

But the better world promised in Bell's story and so violently dreamed of in the contemporary Tea Party narrative is illusory. It is merely a symptom of their alienation from their own humanity that allows the Tea Party's White followers to believe that someday they will achieve the ruling-class prosperity they so desire.⁵

This Essay proposes to use the theoretical framework of Critical Race Theory and Marxism to chart a way forward and away from the Tea Party's racist dream and toward revolution. This Essay will show how the ruling class uses race and immigration status to isolate, alienate, dehumanize, and divide poor and working class people.⁶ Those tactics work to keep working people (particularly Whites) dreaming the impossible dream that someday their oppressors—the ruling class—will offer them the sweet relief and prosperity they so desperately desire.⁷ This Essay will demonstrate that while these tactics prevent the poor and working

³ See *Citizens United v. Fed. Election Comm'n*, 130 S. Ct. 876, 885-86 (2010) (holding that it is a violation of free speech to limit corporate political speech).

⁴ See Anthony Paul Farley, *The Apogee of the Commodity*, 53 DEPAUL L. REV. 1229, 1236-37 (2004).

⁵ See Karl Marx, *Economic and Philosophical Manuscripts of 1844*, in THE MARX-ENGELS READER 75-77 (Robert C. Tucker ed., 2d ed. 1972) [hereinafter Marx, *Economic and Philosophical Manuscripts*] (discussing the de-humanization of the wage-slave in a capitalist system and how that alienation causes pathological individualism).

⁶ Cheryl I. Harris, *Whiteness as Property*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 276, 284-86 (Kimberlé Crenshaw et al. eds., 1995) [hereinafter CRITICAL RACE THEORY] (discussing the way that race was used to undermine class consciousness among workers).

⁷ See Farley, *supra* note 4, at 1237-38 (discussing the futility of prayers for relief from the oppressor).

classes from developing the shared struggle, organization, and consequent class-consciousness that are necessary for a movement to overthrow the chains of exploitation and build a revolution, they can be overcome by using a grassroots organizing strategy and human rights framework. The second section of this essay will briefly outline the history of the ruling class's divide and conquer strategy. The third section will explain how the divide and conquer tactics play out in the contemporary United States. The final section will make the case for overcoming those tactics with an anti-oppression grassroots organizing strategy based on human rights principles informed by both Marxism and Critical Race Theory (CRT). This Essay will demonstrate that this strategy is the most effective way to undermine the ruling class hegemony, and overcome their divide and conquer tactics, and allows working people to develop the class-consciousness necessary to overthrow the bonds of capitalist exploitation.

I. DEHUMANIZATION AND DIVIDE AND CONQUER IN UNITED STATES HISTORY

The racist archetypes deployed by the Tea Party today to divide poor and working class folks, while dehumanizing people of color, are not new.⁸ Their roots are centuries-old. They began when plantation owners in what would become the United States began to fear that their exploited workers—a workforce that was comprised of both African slaves and European indentured servants—would join together and rise up against their masters.⁹ Working side-by-side in onerous conditions, African slaves and European indentured servants had every incentive to come together to overthrow their masters and escape the shackles of slavery. Terrified at the idea of uprisings like Bacon's Rebellion, planters in

⁸ Eugene Robinson, *Racism and the Tea Party Movement*, REAL CLEAR POLITICS (Nov. 2, 2010), http://www.realclearpolitics.com/articles/2010/11/02/race_and_the_tea_partys_ire_107805.html (last visited June 4, 2012) (discussing the contemporary manifestations of divide and conquer tactics in the Tea Party's rhetoric by looking at the Tea Party's call to "take back our government" as veiled racism and a call to take back from its un-American black president).

⁹ Neil Gotanda, *A Critique of "Our Constitution is Color Blind,"* in CRITICAL RACE THEORY, *supra* note 6, at 257, 261 (explaining the development of race during chattel slavery); *see also* KENNETH N. ADDISON, "WE HOLD THESE TRUTHS TO BE SELF-EVIDENT . . .": AN INTERDISCIPLINARY ANALYSIS OF THE ROOTS OF RACISM AND SLAVERY IN AMERICA 245-46 (2009) (pointing to the fear held by planters of a united uprising among White indentured servants and African slaves).

North America acted swiftly to prevent such power from building among their slaves and indentured servants.¹⁰ Plantation owners successfully prevented their exploited workers from building solidarity for a revolt by prohibiting marriage and relationships between the two groups, and dehumanizing the African slaves.¹¹ These divisions effectively allowed the planters to construct the idea of racial difference and hierarchy. These constructed racial divisions entrenched the alienation of slavery and prevented the slaves and indentured servants from seeing the commonality of their struggle and their potential collective power to overthrow the chains they shared.¹²

After chattel slavery was abolished, the racial divisions constructed during this period were reinforced and reinvented through the legal, economic, and political systems in the United States.¹³ The ruling class maintained the racial divisions that had so effectively dehumanized workers and maintained their control of production through the courts system as well as federal and state legislatures in the decades that followed the end of chattel slavery. The ruling class used law and policy to ensure that race continued to serve as a useful tool in alienating the working class from its humanity.¹⁴ Through these devices, the ruling class divided workers along socially and legally constructed fault lines, thereby keeping them in their de-humanized dream state and preventing them from seeing their common oppressor.¹⁵

Examples of the effectiveness of this tactic abound throughout United States history. From anti-miscegenation laws, which prevented Africans and Europeans from joining together in

¹⁰ See Pem Davison Buck, *Constructing Race, Creating White Privilege, in RACE, CLASS, AND GENDER IN THE UNITED STATES* 31-34 (Paula Rothenberg ed., 2004).

¹¹ *Id.*

¹² *Id.*

¹³ See generally IAN HANEY LOPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 116-22 (2006) (detailing the legal system's role in defining and policing race and white privilege for purposes of determining citizenship).

¹⁴ See *id.* (noting the long history of reifying race through the legal system); see also Marx, *Economic and Philosophical Manuscripts*, *supra* note 5, at 75-77.

¹⁵ See Marx, *Economic and Philosophical Manuscripts*, *supra* note 5, at 75, 77 (discussing the alienation and individualism of capitalism and its role in preventing the laborer from seeing her situation clearly); Harris, *supra* note 6, at 284-85 (explaining that white privilege serves to prevent the white working class from confronting their own class exploitation).

marriage, to the Black Codes, the ruling class used a variety of measures to dehumanize and individualize workers' struggles along racial lines.¹⁶ The Great Migration provided the ruling class with an opportunity to entrench racial divisions and hatred between the Black and White working class after the abolition of slavery.¹⁷ As organized labor began to exert real power in the industrial cities of the North, bosses fought back by turning White workers' ire away from the ruling class and towards the Black workers they brought in to work during strikes.¹⁸

The widespread hunger and poverty of poor and working-class people in the Depression of the 1930's threatened to awaken the White working class from their dream of becoming as prosperous as their masters one day.¹⁹ The ruling class responded once again to the threat of a rising class-consciousness by dividing and conquering the ranks of the poor and working-class, passing a series of social safety nets and labor standards to privilege White workers over workers of color.²⁰ The exclusion of farm workers and domestic workers from the Fair Labor Standards Act (FLSA) during the New Deal disproportionately excluded workers of

¹⁶ During reconstruction, Southern states passed laws that limited the freedom of newly emancipated Black workers, restricting their ability to work for wages, vote, own property, and use the legal system. For a discussion of these Black Codes, see Abel A. Bartley, *The Fourteenth Amendment: The Great Equalizer of the American People*, 36 AKRON L. REV. 473, 480-83 (2003). For a discussion of anti-miscegenation laws and their role in policing race, see Reginald Oh, *Interracial Marriage in the Shadows of Jim Crow: Racial Segregation as a System of Racial and Gender Subordination*, 39 U.C. DAVIS L. REV. 1321, 1329-31 (2006). Additionally, the White labor movement won improvements for their members at the expense of Black workers. See David E. Bernstein, *Roots of the Underclass: The Decline of Laissez-Faire Jurisprudence and the Rise of Racist Labor Legislation*, 43 AM. U. L. REV. 85, 90-92 (1993).

¹⁷ See Susan Olzak, *Labor Unrest, Immigration, and Ethnic Conflict in Urban America, 1880-1914*, 94 AM. J. SOC. 1303, 1304 (1989) (discussing the rise in inter-racial violence during strikes).

¹⁸ For a general discussion of the role of racism and Black strikebreakers during this period, see Bernstein, *supra* note 16, at 102-03; see also Olzak, *supra* note 17, at 1304.

¹⁹ During the Great Depression, hundreds of thousands of people joined the Communist party, threatening the hegemony of the ruling class.

²⁰ The New Deal reinforced racist labor practices, privileging White workers and families over workers and families of color by excluding workers of color. See Risa E. Kaufman, *The Cultural Meaning of the "Welfare Queen": Using State Constitutions to Challenge Child Exclusion Provisions*, 23 N.Y.U. REV. L. & SOC. CHANGE 301, 305 (1997).

color.²¹ Domestic workers across the country, plantation workers in the South, and farm workers across the southwestern and western United States were disproportionately Black and Latino.²² Their exclusion from labor protections kept them physically and psychologically divided from their White brothers and sisters in other sectors.

Throughout most of the twentieth century, the racist exclusions of the FLSA and other New Deal legislation combined with Jim Crow, de facto segregation in the North, and institutionalized racism to afford those with the privilege of white skin jobs capable of supporting a family, while people of color were relegated to lower-paying, non-unionized, agricultural, service, and domestic work.²³ As a result, legally and socially constructed racial distinctions became enshrined in the workplace as Whites dreamed that they were only a few more years of hard work away from joining the ruling class, while they simultaneously looked down upon workers of color from their place of privilege in the labor market.²⁴ These workplace divisions ensured that working-class Whites and working class people of color remained unable to see their shared struggle against the bosses and remained easy to pit against one another.

Throughout the United States' labor history, the ruling class has been well-organized, strategic, and incredibly effective at passing laws or shaping the labor market to keep workers dreaming of one day becoming a prosperous member of the ruling class. This technique dehumanizes and alienates workers and shifts their anger away from their bosses and onto their fellow workers instead.

²¹ See National Labor Relations Act (NLRA), 29 U.S.C. § 152(3) (noting that “the term ‘employee’ . . . shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home . . . or any individual having the status of an independent contractor . . .”).

²² Marc Linder, *Farm Workers and the Fair Labor Standards Act: Racial Discrimination in the New Deal*, 65 TEX. L. REV. 1335, 1336-38 (1987).

²³ See Bernstein, *supra* note 16, at 87, 92, 95.

²⁴ Harris, *supra* note 6, at 284-86 (explaining why working class whites aligned their interests with those of the white ruling class).

II. DIVIDE AND CONQUER TODAY

Despite the Tea Party's racist rhetoric, the ruling class has no intention of actually following through with any wholesale deportation of immigrants or people of color. The ruling class relies on these constructed racial divides to maintain the dehumanized dream state of the working class—both Black and White.²⁵ Without the constructed divides of race, the working-class might wake up from its dream of deferred prosperity and see their exploiters clearly. As Bell explains in *The Space Traders*, the specter of losing the country's Black population was “unhappy . . . news for the nation's richest and most powerful men” because it might awaken the White working class.²⁶

Rising inequality, continued unemployment, globalization, and the collapse of the housing bubble have created the conditions necessary for poor and working class people to rise up from their dream deferred and see their shared struggle against the ruling class.²⁷ It would seem that the conditions for a revolution are in place: developments in technology have improved communication between workers and, wage inequality and unemployment are at record highs, without real job creation in sight.²⁸ Moreover, class polarization is growing dramatically as the middle class disappears,

²⁵ BELL, *supra* note 1, at 181.

²⁶ *Id.* at 180-81 (explaining that “though seldom acknowledging the fact, most business leaders understood that blacks were crucial in stabilizing the economy with its ever-increasing disparity between the incomes of the rich and the poor. They recognized that potentially turbulent unrest among those on the bottom was deflected by the continuing efforts of poorer whites to ensure that they, at least, remained ahead of blacks. If blacks were removed from the society, working- and middle-class whites—deprived of their racial distraction—might look upward toward the top of the societal well and realize that they as well as the blacks below them suffered because of gross disparities in opportunities and income.”).

²⁷ See KARL MARX, THE COMMUNIST MANIFESTO 61-63 (Frederic L. Bender ed., 1998) [hereinafter MARX, COMMUNIST MANIFESTO] (explaining how increasing exploitation by the bourgeois compels the proletariat into recognizing the shared struggle of the working class and coming together into unions, and eventually one global union of workers with the power to overthrow the ruling class).

²⁸ See Mortimer B. Zuckerman, *The Great Jobs Recession Goes On: The Recession is Officially Over But Unemployment Remains High*, U.S. NEWS & WORLD REP. (Feb. 11, 2011), <http://www.usnews.com/opinion/mzuckerman/articles/2011/02/11/the-great-jobs-recession-goes-on>.

while simultaneously the concentration of wealth continues to shift to large corporations and the ruling class.²⁹

But where is the revolution? Instead of plotting a revolution, the Tea Party and White working class America are dreaming of cuts to the estate tax.³⁰ Just as they did during chattel slavery, the Great Migration, and the Great Depression, these factors can converge without catalyzing a revolution. Today, as it has every time capitalism has been thrown into crisis, the ruling class keeps the working-class in its dream state by pushing workers to think only of individual struggle while ignoring their shared struggle and common humanity.³¹ By promoting individual liberty and individual economic advancement the over collective struggle, the ruling class coaxes the working class into blaming each other for their troubles, instead of turning their ire onto the oppressors. The dream the ruling class spins is so compelling that that the working class begs the master for tax breaks to help the ruling class consolidate its wealth.³²

The effectiveness of the divide and conquer tactic comes from the dehumanization of non-White scapegoats. Today, they are portrayed as dirty and opportunistic Latino immigrants and Black criminals and welfare queens leeching off of and endangering hardworking Americans.³³ Throughout history the ruling class has pitted workers against each other in a dehumanizing scramble for survival over the minimum-wage scraps thrown to them in return for their labor.³⁴

²⁹ See GARY BURTLESS, THE BROOKINGS INST., GLOBALIZATION AND INCOME POLARIZATION IN RICH COUNTRIES 2-6 (2007), <http://www.brookings.edu/views/papers/burtless/200704.pdf>.

³⁰ See *Don't Raise Our Taxes- Don't Repeal the Tax Cuts*, TEA PARTY EXPRESS (Aug. 16, 2010), <http://teapartyexpressblog.blogspot.com/2010/08/dont-raise-our-taxes-dont-repeal-tax.html>.

³¹ Marx, *Economic and Philosophical Manuscripts*, *supra* note 5, at 75-77 (explaining how the system of capitalism, property, and wage slavery alienates workers, dehumanizes them, and individualizes their struggles).

³² *Id.*; see also Farley, *supra* note 4, at 1237-38 (discussing the circularity of begging for equality from the oppressor).

³³ Richard Delgado, *Rodrigo's Corrido: Race, Postcolonial Theory, and U.S. Civil Rights*, 60 VAND. L. REV. 1691, 1723-24 (2007) (discussing the taboos used to separate Latinos from their Anglo brothers and sisters); see also Dorothy Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, in CRITICAL RACE THEORY, *supra* note 6, at 384, 389.

³⁴ See MARX, COMMUNIST MANIFESTO, *supra* note 27, at 67-68; see also Marx, *supra* note 5, at 75-77 (the ruling class promotes individual gain over collective struggle by dehumanizing workers and using divide and conquer

The ruling class knows better than anyone that if angry working-class Whites wake up from their dream, they might stop fighting their brothers and sisters of color and turn against the ruling class in a militant class war. For the ruling class, it is necessary to fan the flames of racism and divide poor and working-class people in an individualized struggle for self-preservation, thereby preventing them from developing a class-consciousness capable of starting a revolution.³⁵

Today, in the contemporary United States, the legacy of this dehumanization has brought down the labor movement and provided society with border patrol militias, the Tea Party, the hyper-exploitation of the workforce, and the largest gap between rich and poor in the history of capitalism.

III. VERMONT AND THE HEALTHCARE IS A HUMAN RIGHT CAMPAIGN

The state of Vermont presents a case study of an anti-oppression grassroots organizing strategy to build a historic bloc capable of overcoming ruling class divide and conquer tactics. The Vermont Workers' Center (VWC), which has fought for workers' rights in Vermont for the past twelve years and historically has had a mostly White working class membership. Recently, VWC began a new campaign to awaken the working class and directly tackle the divide and conquer tactics of the ruling class called the "Healthcare is a Human Right" Campaign (HCHR).

Vermont is becoming increasingly racially diverse.³⁶ Migrant workers from Mexico run the state's bucolic dairy farms, Jamaican

tactics, draconian labor laws to prevent workplace organization, and de facto and de jure segregation to prevent Whites and people of color from recognizing their shared experiences as workers); Harris, *supra* note 6, at 284-85 (explaining how white privilege was used to evade class consciousness among the white working class).

³⁵ See Delgado, *supra* note 33, at 1722-23, 1725 (explaining the taboos constructed and reified to prevent Anglo and Latino farm workers from seeing their shared humanity).

³⁶ Compare U.S. CENSUS BUREAU, STATE AND COUNTY QUICK FACTS (Vermont), available at <http://quickfacts.census.gov/qfd/states/50000.html> [hereinafter U.S. CENSUS BUREAU, STATE AND COUNTY QUICK FACTS] (indicating that in 2009, Vermont's White population was 96.2%), with U.S. CENSUS BUREAU, CENSUS 2000 SUMMARY FILE 1, TBL DP-1. PROFILE OF GENERAL DEMOGRAPHIC CHARACTERISTICS: 2000 (Vermont), available at http://factfinder.census.gov/servlet/QTTable?_bm=n&_lang=en&qr_name=DEC_2000_SF1_U_DP1&ds_name=DEC_2000_SF1_U&geo_id=04000US5

workers pick Vermont's iconic apples, and its towns are home to refugees from Somalia, Bhutan, and Bhurma.³⁷ In addition, Vermont has a growing population of non-immigrant, residents of color.³⁸ Rising unemployment and increasing cuts to social services,³⁹ combined with the growing number of people of color living in the area, make Vermont seem ripe for the racist anti-government rhetoric of the Tea Party. But the Tea Party has not gained significant foothold in the state. In a time where Tea Party candidates swept into office across the country,⁴⁰ Vermont ended three terms of a Republican gubernatorial administration, replacing it with a Democrat who ran on a single-payer healthcare platform.⁴¹

This Essay hopes to use the Vermont example to provide some insight into why Vermont does not have an active Tea Party movement and why it is on the verge of passing universal single-payer healthcare. By offering the lessons of the grassroots HCHR Campaign, this section will provide some tools for those on the left who seek to overcome the divide and conquer tactics and divisions that the bosses construct and reinforce through law, economic policy, and media rhetoric.

0 (showing that in 2000 the white population was 96.8%).

³⁷ See Vermont Migrant Farmworker Solidarity Project, <http://www.vtmigrantfarmworkersolidarity.org/about> (last visited July 15, 2012) (noting that Vermont agriculture is dependent on roughly 1,200-1,500 migrant farm worker² living on dairy farms across the state); see also Somali Bantu Community Association of Vermont, Inc., <http://www.somalibantuvermont.org/> (last visited July 16, 2012); see also, Vermont Bhutanese Association, <http://vermont-bhutanese-association.blogspot.com/> (last visited July 16, 2012); see also Katie Ida, *Burlington Acts as a Haven for Refugees*, THE VERMONT CYNIC (Mar. 25, 2010), <http://www.vermontcynic.com/feature/burlington-acts-as-a-haven-for-refugees-1.1993118>.

³⁸ See U.S. CENSUS BUREAU, STATE AND COUNTY QUICK FACTS, *supra* note 36 (showing that 3.8% of the population is non-White).

³⁹ For a discussion of the cuts to social services and job losses, see VT. WORKERS' CTR., PEOPLE'S BUDGET REPORT: PRELIMINARY FINDINGS 11-13 (2010), <http://www.workerscenter.org/sites/default/files/People's%20Budget%20Report.pdf>

⁴⁰ See Catherine E. Shoichet & Shannon Travis, *Election Projections Fuel Tea Party Fervor*, CNN (Nov. 3, 2010, 9:26 a.m.), available at <http://www.cnn.com/2010/POLITICS/11/03/tea.party/index.html> (noting that Tea Party candidates won in at least 10 of 21 races nation-wide).

⁴¹ For a description of Shumlin's platform, see Sam Stein, *Vermont Lawmakers Lay Groundwork for Single Payer System in Place of Obamacare*, HUFFPOST POLITICS (Jan. 19, 2011, 3:33 PM), http://www.huffingtonpost.com/2011/01/19/vermont-lawmakers-single-payer_n_811177.html; see also Governor Shumlin's Campaign page at: <http://shumlinforgovernor.com/health-care-a-challenge-and-an-opportunity/>.

IV. THE “HEALTHCARE IS A HUMAN RIGHT” CAMPAIGN STRATEGY

The “Healthcare is a Human Right” (HCHR) Campaign is built on a human rights framework using universal human rights principles.⁴² The campaign is organizing mostly White working-class Vermonters to fight to win a healthcare system that satisfies the principles of universality, equity, participation, transparency, and accountability.⁴³ Universality is the principle that “all Vermonters must have access to comprehensive, quality health care”—regardless of skin color, nationality, or immigration status.⁴⁴ Equity means that “systemic barriers must not prevent people from accessing necessary healthcare” and that the “financing of health care must be sufficient, fair, sustainable, and shared equitably.”⁴⁵ Participation means that “the state must ensure public participation in the design, implementation, evaluation, and accountability mechanisms in the health care system” so that the people of Vermont—White people, people of color, immigrants, and people with disabilities—must have a say in how the system is developed and how it runs.⁴⁶ Transparency and accountability means “the healthcare system must be transparent in design, efficient in operation, and accountable to the people it serves” and that “Vermonters [can] hold the system accountable for meeting their health needs and improving their health” and that the system uses money efficiently and effectively.⁴⁷

Currently, there are more than five hundred active members of the “Healthcare is a Human Right” Campaign across the state of Vermont and approximately seven thousand total members who

⁴² For an explanation of the principles underlying the Healthcare is a Human Right Campaign, see NATIONAL ECONOMIC SOCIAL RIGHTS INITIATIVE, HUMAN RIGHT TO HEALTH INFO SHEET 1 (2008), available at http://nesri.org/sites/default/files/Right_to_Health.pdf; for the principles of the Healthcare is a Human Right Campaign, see *Human Rights Principles for Healthcare*, VT. WORKERS’ CTR., <http://www.workerscenter.org/node/408> (last visited July 15, 2012).

⁴³ For a detailed discussion of the human rights principles, see *Building a Grassroots Movement for the Human Right to Healthcare*, VT. WORKERS’ CTR., <http://www.workerscenter.org/hchrhistory> (last visited Apr. 10, 2011).

⁴⁴ *Human Rights Principles Assessment Tool: Detailed Human Rights Standards for Healthcare Systems*, VT. WORKERS’ CTR., <http://www.workerscenter.org/assessment> (last visited July 15, 2012).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

receive information about the Campaign. There is a volunteer organizing committee in every Vermont county and the Campaign has six statewide committees: a steering committee and others dedicated to policy, media, education, art, and base-building. Every day, dozens of HCHR volunteer members reach out to friends, neighbors, and elected officials to discuss these principles. During January and February of 2011, HCHR Campaign members collected two thousand photo-petitions from Vermonters in favor of the human right to healthcare. During the process of taking the photo-petition pictures people, HCHR Campaign members have conversations about the principles and importance of uniting against the divide and conquer tactics of those in power.⁴⁸

The human rights framework strikes a blow directly at the heart of the dehumanization and individualism that is the bedrock of private property and capitalism.⁴⁹ The idea of a shared human right to healthcare is completely inconsistent with the primacy of individual rights and individual advancement that is integral to capitalism's accumulation.⁵⁰ The human rights framework provides a way to humanize all workers across the constructed divides of race and immigration status. This framework provides the working class's best hope for overcoming the divide and conquer tactics of the ruling class and building the shared humanity necessary for class-consciousness. The framework forces White working-class people to recognize their own racial privilege and to see that winning healthcare for themselves and their loved-ones is not possible without uniting with people of color to overcome ruling class oppression.⁵¹

By building a movement of universal healthcare using a human rights framework, VWC can explicitly talk with poor and

⁴⁸ See *Picture Healthcare as a Human Right: Every Photo Has a Story*, VT. WORKERS' CTR., <http://workerscenter.org/photopetition> (last visited July 15, 2012).

⁴⁹ See Farley, *supra* note 4, at 1230 (explaining how capitalism's system of ownership denies human rights to the non-capitalist class and ties humanity to ownership. The quest for human rights therefore shakes the foundation of capitalism by demanding humanity for the non-capitalist class and decoupling it from ownership).

⁵⁰ *Id.*; see also Marx, *Economic and Philosophical Manuscripts*; *supra* note 5, at 84.

⁵¹ Martha R. Mahoney, *Class and Status in American Law: Race, Interest, and the Anti-transformation Cases*, 76 S. CAL. L. REV. 799, 822 (2003) (discussing how the material benefits of whiteness to white workers is destructive to the development class solidarity).

working class Whites in Vermont about the ruling class's system of exploitation and oppression and how that system uses divide and conquer tactics to prevent working people from winning real victories. The campaign's framework allows VWC to put theory into practice—to explain to a White dairy farmer who relies on undocumented Mexican migrant workers to milk his cows that the White privilege that our economic and legal system have bestowed upon him are barriers to winning healthcare for all.

It drives right at the heart of the strategy of the ruling class by forcing poor and working class Whites to think about the humanity of those that they are taught by the ruling class to de-humanize and it requires all workers to confront their own humanity and their shared state in a shared struggle with all other workers.⁵²

Sometimes, VWC's new members say that it may be better to not include immigrants in Vermont's new healthcare system because without such a provision there is a better chance of getting the enabling legislation passed. Because of the Campaign's principles, members remind each other that they are fighting to make healthcare a human right in Vermont law, not a privilege awarded to some people and denied to others.⁵³ By using the human rights principles, the Campaign grounds its conversation in a theory that unites, rather than divides its members.

Last spring, as Vermont's universal healthcare bill neared passage in the legislature, an amendment was added by two senators to exclude undocumented workers from the system. In less than a week, VWC's mostly White, working-class statewide membership mobilized to strike the Brock-Sears amendment from the bill, returning to the human rights principles to undermine the divide and conquer tactic.⁵⁴

But even with all of the theory and principles, understanding this idea can be challenging sometimes for Whites long accustomed to seeing their struggle as separate from the struggle of their

⁵² Marx, *Economic and Philosophical Manuscripts*, *supra* note 5, at 84-87.

⁵³ Treating healthcare as a right rather than a privilege or commodity shakes the foundation of capitalism by providing the space for the sharing of stories and associations between workers who can begin to see through the alienation of capitalism to their own common human experience. *Id.* at 84.

⁵⁴ *We are Not Arizona*, VT. WORKERS' CTR., http://www.workerscenter.org/we_are_not_arizona (last visited July 15, 2012); *Final Passage of Vermont Universal Health Care Bill Marks Success of a Growing Human Rights Movement*, VT. WORKERS' CTR., <http://www.workerscenter.org/node/861> (last visited July 15, 2012).

immigrant brothers and sisters working on the dairy farms of Vermont. However, the grassroots' organizing model allows VWC to continue to work with members to help them get over their fear and discomfort as they begin to discover the ways in which they, too, have been manipulated by the ruling class into seeing their Latino and Black brothers and sisters as somehow less human or less deserving of healthcare than their White brothers and sisters. In addition to the one-on-one conversations VWC has with members about the fight for the human right to healthcare, and why it must include everyone regardless of race or immigration status, there is a formal political education program for emerging leaders grounded in both CRT and Marxist theory. Members of the VWC Education Committee use the principles of popular education to discuss how the ruling class divides and conquers the working class by reinforcing constructed rifts along lines of race and citizenship status. In trainings, members discuss how those tactics play out in their lives and in their organizing. The exercises explore how effective the ruling class is at dividing and pitting people against one another in struggles over budget cuts, education funding, employment, housing, and, of course, healthcare. Members and staff also discuss why Vermonters cannot continue to let the ruling class pit them against one another—why their very survival as humans depends upon overcoming those tactics and building unity.

During trainings, VWC members examine why the federal healthcare reform⁵⁵ failed and how they cannot make the same mistakes in their struggle for reform.⁵⁶ The VWC trainings use popular education to explore how winning healthcare as a human right in Vermont can be achieved by using a grassroots-organizing model that is explicitly anti-racist and anti-oppression. These tactics will significantly undermine the ruling class's hegemony and their dehumanization of workers. In trainings and one-on-one meetings,

⁵⁵ The Patient Protection and Affordable Care Act of 2010, 42 U.S.C. § 18001, Pub. L. No. 111-148, 124 Stat. 119, available at <http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf>.

⁵⁶ The federal reform failed to meet the standards of human rights principles to make healthcare a public good, because the ruling class convinced terrified Whites that the reform would threaten their fragile privilege and push them farther away from their dream of becoming prosperous members of the ruling class. For in-depth discussions of these fear tactics, see ANDREW L. BARLOW, BETWEEN FEAR AND HOPE: GLOBALIZATION AND RACE IN THE UNITED STATES 76-77 (2003). For a detailed assessment of the ways in which the federal legislation failed to meet human rights principles, see *Human Rights Analysis of the 2010 Federal Healthcare "Reform" Legislation*, VT. WORKERS' CTR., <http://www.workerscenter.org/fedlegislation> (last visited July 15, 2012).

staff and members also discuss Vermont's potential to show the rest of the country a successful model for organizing across races. As the successful mobilization to strike the Brock Sears Amendment demonstrates this strategy can unite working people in recognition of their shared humanity and shared struggle in order to fight side-by-side for a new healthcare system. Accordingly, other states may be able to use VWC's experience to build a human rights-based strategy to win change that allows for the breaking down of the barriers that keep working class people from building class-consciousness.

These conversations about race and immigration status are not always easy, but they are necessary ones. Without them, workers will remain stuck in their dehumanized dream state—imprisoned by private property, begging their masters for scraps of relief, and blaming their brothers and sisters of color for troubles they did not cause.⁵⁷

V. THE ROAD AHEAD: USING THE THEORY TO DEVELOP A FIFTY-STATE, ANTI-RACIST, GRASSROOTS-ORGANIZING STRATEGY

Why tell this story of a grassroots effort in a symposium issue dedicated to Critical Race Theory and Marxism? The role of theoretical discourse is to illuminate and move forward the material struggles like the one described in this Essay.⁵⁸ We on the ground need you in the academy to illuminate our struggles and to provide

⁵⁷ The effect of these [conversations] is felt across the state. The VWC has more than five hundred active members statewide. Members and staff organizers talk with thousands of Vermonters each month about these issues. During the summer of 2009, members of Congress held healthcare town meetings all over the country. Most of the meetings were overtaken by racist right-wing individuals who disrupted the meetings by spewing hate-filled rhetoric. This generally did not occur in Vermont, because of the grassroots movement for social justice that the VWC is building with the "Healthcare is a Human Right" Campaign, Senator Sanders' Town Meetings were productive opportunities to build a movement around the human right to healthcare. Conversation with James Haslam, Dir., Vt. Workers' Ctr., Dec. 10, 2010, Burlington, VT.

⁵⁸ See Richard Delgado, *Si Se Puede, But Who Gets the Gravy?* 11 MICH. J. RACE & L. 9, 12-21 (2005); Richard Delgado, *Crossroads and Blind Alleys: A Critical Examination of Recent Writing About Race*, 82 TEX. L. REV. 121 (2003) (book review) (discussing the tension between the theoretical and the material in Critical Race Theory).

insight and context as we fight to put into practice the lessons of theory.

Vermont must serve as the leader for this revolutionary movement, but it cannot lead alone. VWC's strategy and struggle to overcome the working classes' estrangement from its shared humanity must not stay within Vermont's small borders. Other workers across the country must learn from our successes and our mistakes, we must associate together as workers—as humans across the constructed borders of race and geography. Workers must not allow the Tea Party to lull us back to sleep with dreams of one day becoming prosperous members of the ruling class. Workers cannot keep looking to the oppressor to grant us relief from our suffering. Instead, we must take advantage of this historic moment of crisis to build a new vessel, one constructed with the struggle of our shared humanity; only then will workers be able to break free from capitalism's chains of private property, oppression, and racism.