

A project of the Applied Research Center's
Grass Roots Innovative Policy Program

RACE AND PUBLIC POLICY



Edited by
Makani N. Themba



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TABLE OF CONTENTS

EDITOR'S NOTE 4

1 CONFRONTING RACISM: EMERGING PRACTICES

Media and Race: Talking the Walk
Hunter Cutting 9

Speaking Truth to Power: Bus Riders Union
Tell the Media (and Everyone Else) Like It Is
Cynthia Rojas 14

The View from the UK: Lessons and
Models to Address Institutional Racism
Veena Vasista 16

Using the Law to Eliminate Racial
Discrimination in Health Care: A Background Paper
Vernellia Randall 21

The Significance of Race in the
Racial Gap in Academic Achievement
Pedro A. Moquera and Antwi A. Akom 27

**2 THE UNDISCOVERED COUNTRY: RANGING
VIEWS OF POSSIBILITY IN RACE AND POLICY**

Race-ing Class and Gender [and Nation]:
Reconciling the Either Or
Chandra Talpade Mohanty 33

Braving the New World: Race and Technology:
Afrofuturism Beyond the Digital Divide
Alondra Nelson 37

Beyond the Digital Divide: A Brief Consideration of
Emerging Economies, Technology, and Racial Justice
Makani N. Themba-Nixon 41

Triple Burden: Cultural Identity, Natural Resources
and Community Self-Rule of Tribals in India
John Samuel 49



EDITOR'S NOTE

This book is *not* a summary. This book *is* a series of snapshots of a moment in May 2000 when more than 200 organizers, academicians, lawyers, clergy and others braved the fierce spring rains to participate in *Race Rules: Equity, Justice and Public Policy*.

Race Rules was convened by the Applied Research Center's (ARC) Grass Roots Innovative Policy Program (GRIPP) to explore and excavate the nexus between race, racism and public policy, and learn how racial justice advocates are working to address these issues.

The meeting evolved out of years of relationships, debates and struggle without which *Race Rules* could not have taken place. Some of the work started back nearly two decades in the work of the Center for Third World Organizing (CTWO) to forge a multiracial, class conscious movement for racial justice. CTWO built a network of organizers through trainings and campaigns that greatly influenced organizing around issues of race and racism. When its founder, Gary Delgado, moved on to form ARC, that network and the tradition of training and influence continued with projects like ERASE (Expose Racism and Advance School Excellence which works on race and public education) as well as a host of other research and organizing initiatives.

This network of "racial justice workers" developed by CTWO/ARC was important. Equally important was the development of a "critical mass" of folk who had come to agree on some key issues that had divided movement work for decades. These points, or "great debates", may seem a bit trite in retrospect but those of us who lived through these debates know that arguments were at times so contentious and opinions so deeply held that people literally fought and died over them.

Of course, state terror and repression played a greater role in undermining this work than polemics. However, it's clear that the emergence of ideological common ground came at great cost. A group of us finally came to agree that it is race *and* class *and* gender *and* sexual orientation *and* nationality; all of it's important and interrelated. Any critique of racism must include a critique of capitalism—we had to tear down the false juxtaposition of cultural *versus* economic analysis (again, we came to understand that an integrated understanding is key). Thanks to the development of the "third world" or "south" view, we came to recognize the value of multicultural, multi ethnic alliances that provided a shared conceptual framework to discuss and strategize around oppression and redress. An increased sophistication in our analysis also allowed us to make room for policy work itself. We no longer eschewed the policy arena because of fear of "selling out." More of us were coming to realize that a group could take up policy issues and still remain true to its vision. In other words, tactics are not the total sum of one's politics.

This integrated understanding of the interplay of race, class, gender and sexuality; the emergence of a *network* of multi racial, people-of-color-led organizing initiatives; and increasing participation of grassroots groups in the policy arena laid the groundwork for an emerging racial justice movement. This movement borrows heavily from the legacy of civil rights and even longer legacy of human rights but is not limited to a rights framework. It sees racial justice as both a matter of rights (civil and human) for those who are oppressed *and* responsibility to repair and remedy oppression—by those who benefit and by structures set up to maintain the status quo. It is a framework that rests



on a foundation of centuries of debate and analysis where the likes of W.E.B. DuBois, Mao Zedong, Che Guevarra, Mahatma Ghandi, Sojourner Truth and Anna Julia Cooper have all weighed in. This is the essence of a *justice* framework and the foundation from which *Race Rules* began.

By the time GRIPP was underway in 1998, this growing racial justice movement was making strides in a number of areas. There were groundbreaking initiatives in transportation policy like the Bus Riders' Union's campaign to fight transportation racism in Los Angeles. Savvy coalitions of youth, parents and others working to address bias in public education and there was innovative work happening in environmental justice, human rights and immigrants' rights.

GRIPP sought to explore how policy work could benefit racial justice organizing by bringing together local groups, intermediaries and policy organizations to advance equity and community involvement in policymaking. By employing strategic planning, organizing, and media and policy advocacy, GRIPP sites were able to garner several local policy wins.

Although we were thrilled with our success and the success of other racial justice initiatives, we were also challenged by national conditions that seemed to grow increasingly racist, anti poor, anti immigrant and well, anti much of what we thought was in our interest. Racism was everywhere in public policy but always beneath the surface. It was in discussions that set "benefits" against "subsidies," "quotas" against "equal opportunities," "inner city" against "suburb." Even in countries like Denmark, Norway and Sweden—long known for their progressive welfare systems—public support for these policies were waning mainly because "natives" did not want to extend benefits to "new" immigrants; the darker, "others". It seemed as if the madness was everywhere we turned.

Race Rules evolved out of the need for an interdisciplinary, cross-sectoral forum for practitioners to collectively assess these conditions as well as exchange ideas and best practices. We didn't want it to be a typical beltway policy meeting where a few "big heads" talked and the rest of us mostly listened. We wanted discussion, engagement and ideas that would inspire us and flip our thinking.

At about the same time GRIPP was planning *Race Rules*, work was getting underway to prepare for the UN World Conference Against Racism, Xenophobia and Related Intolerance (WCAR) to be held in 2001. GRIPP staff became involved in WCAR preparations as part of our interest in the application of UN conventions and international policy to advance racial justice work at home. It was clear that there was important racial justice work going on overseas from which *Race Rules* and GRIPP could benefit. We decided to offer *Race Rules* as a forum to raise awareness of the WCAR as well as poll key racial justice practitioners on issues, policy recommendations and best practices for input to the World Conference in addition to the conference's other objectives.

We formed a Conference Working Group to help guide this more expanded process to extend our thinking and networks and, of course, help with the work of coordination. Some organizations were specifically recruited to participate in issue area work groups in homage to the old adage that the best discussions happen between people who know what they are talking about.



A NOTE ON THE CONFERENCE STRUCTURE

Participants moved between plenary sessions, “Out the Box” sessions and small workgroups spending the bulk of their time in the latter. Plenary sessions offered short trigger presentations to feed work group discussion that took place over most of the second day. Work groups were formed around areas where a number of practitioners were engaged in an issue area. In each work group, skilled facilitators and presenters worked with participants to craft policy recommendations for future consideration as well as exchange ideas and strategies that would be of help to others in this work. A brief summary of these sessions are available on ARC’s website at www.arc.org/gripp.

While each work group focused on areas where there is existing work, most of the plenary and *out the box* sessions focused outside or across “disciplines.” In the first section, we feature a sampling of the plenary presentations. Hunter Cutting of We Interrupt This Message and Cynthia Rojas of the Bus Riders’ Union explore how savvy media is helping advance racial justice work and tearing down stereotypes. Pedro Noguera dissects the significance of race in educational achievement. Vernellia Randall looks at gaps in health law that exacerbate discrimination and unequal access. Veena Vasista weighs in with lessons from “across the pond” in the UK’s fight against structural racism.

In section two, we turn our attention to the smaller panel discussions that focused on emerging issues in the work. Alondra Nelson kicks the ramifications of technology and how the digital divide is just one more manifestation of ancient racial divides. Chandra Talpade Mohanty provides insights that help us integrate our work into a larger framework that weaves together race, gender, class and nationality. Yours truly examines how organizers might begin to prepare for the “new economy” and new forms of old foes like poverty, oppression and racism. A final offering by John Samuel of the National Centre for Advocacy Studies in India takes a critical look at the impact of the “new economy” on developing economies.

ACKNOWLEDGMENTS

In every project, there are a few people who do the yeoman’s share of the work. In this project those folk are GRIPP staffers Janene Wiley and Rose-May Guignard, who handled *Race Rules* logistics and arrangements; and Susan Starr, Estelline Harjo and Anthony Del Porto, who did everything we needed on the ARC administrative side.

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We owe a special debt of gratitude to American University for their unequivocal partnership in this endeavor. Big, big “ups” and much love to Clarence Lusane for making the AU partnership happen as well as his help in shaping the “vision” from the beginning. Serious thanks are also due to the American University staff, including Pat La Mano, Jeff Minahan and Lee Ann Dunsmore, for literally moving mountains of bureaucracy (the most intransigent kind!) in this collaborative effort as part of AU’s “Year of Human Dignity.” American University has been an incredible partner in all of this. Many, many thanks!

Heartfelt thanks are due to each of our presenters and moderators for volunteering their time and talent to this effort (please see the conference agenda in the appendix for details). Special thanks to the work group facilitation team for their energy and hard work in moving this process. Everyone worked so hard to make this structure work and it showed. Thanks also to the many volunteers and, of course, to those who braved the inclement weather and travel hell to attend. The process was greatly enriched by your participation.

Our deep thanks also go to the following organizations for funding and other critical support that made GRIPP and this convening possible. The Ford Foundation provided the anchor funding that made the GRIPP initiative possible. New World Foundation provided initial support for our conference scholarship fund which enabled us to support participation by grassroots activists in the US and overseas. The Annie E. Casey Foundation provided support for travel scholarships, conference audio and video recording as well as this publication. Unitarian Universalist Association and Common Counsel provided general conference support. We are also grateful to the Charles Stewart Mott Foundation and the Open Society Institute for their consistent support of ARC’s racial justice work over the years including work on *Race Rules*.

With respect to this book project, our thanks to the contributors Hunter Cutting, Veena Vasista, Vernellia Randall, Pedro Noguera, the ERASE project, Cynthia Rojas, Alondra Nelson, John Samuel, Chandra Talpade Mohanty and the conference work groups. Thanks to Jacinth Henry for her patient transcription work and Jean Taylor and Sofia Quintero for their help proofreading and editing. We did not include all of the talks here as it would have meant a book of impractical volume. However, we’ve made all of the plenary and most “out the box” sessions available in MP3 (audio) format on the ARC website for download.

For more information on GRIPP and its initiatives, please visit www.arc.org/gripp or see *GRIPP Final Report*, a 240-page book detailing case studies and materials emerging from the project available through ARC.

—Makani N. Themba
December 2000



1

CONFRONTING RACISM: EMERGING PRACTICES

As long as we agree on objectives,
we should never fall out with each other
just because we believe in different
methods or tactics or strategy.

—Malcolm X



MEDIA AND RACE:

Talking the Walk

BY HUNTER CUTTING

WE INTERRUPT THIS MESSAGE is a non-profit media strategy and training center that builds capacity in grassroots and public interests organizations to conduct traditional media work as well as to reframe public debate and interrupt media stereotypes. INTERRUPT provides media training and technical assistance and conducts collaborative media campaigns with advocates, giving them the power to inject new messages and ideas into the media debate, messages that fundamentally reshape public debate, pave the way for campaign victories, and lay the groundwork for larger victories in the future.

INTERRUPT was founded on the belief that the people most hurt by media bias and distortion should have the capacity to challenge it. Marginalized communities and advocates need to be able to change news coverage as well as get coverage in order to promote the well being of their communities.

In the course of waging successful media campaigns that championed the underdog, INTERRUPT developed set of principles for reframing public debate, challenging stereotypes, and promoting social justice issues. The Moreno-Pacheco media campaign described below is one of those victories.

On February 10, 2000, two Latino youth, David Moreno and Justin Pacheco, were freed from a California jail after being wrongly convicted of murdering a friend. They spent two years behind bars while the murderer, a white youth who had publicly confessed to police immediately after the killing, went free. The nightmare journey of Moreno and Pacheco was yet another disturbing reminder that racism remains deeply entrenched in the U.S. criminal justice system. But, the media campaign that ultimately won their freedom offers a lesson on the power of talking about race and a primer on the strategic use of media to win campaigns.

On the evening of November 2, 1997, Moreno and Pacheco were embroiled in a street fight in Vacaville, California, a largely white, bedroom community in the San Francisco Bay Area with a growing population of color. The fight had begun when another Latino teenager, Jeremiah Alvarez English, confronted six white youth that had attacked him the previous night. As the fight began, Moreno and Pacheco went to the aid of Alvarez English. Six against three made for long odds, and Alvarez English was slain by Chad O'Connell, who repeatedly knifed Alvarez English in the back with an 11" hunting knife.

The District Attorney, David Paulson, refused to prosecute O'Connell, holding that the murder was committed in self-defense. Then, in a breathtakingly audacious legal maneuver, Paulson charged Moreno and Pacheco with murder, charging that they committed a "provocative act" by aiding their friend in the fight and were therefore responsible for his murder.

Moreno and Pacheco were found guilty of murder, surprising even the most cynical observers. The formal legal basis for the conviction was a little used law known as the Provocative Act Doctrine. The crime for which the Provocative Act Doctrine was originally developed is classically represented by a convenience store robbery in which the robber fires a gun at a store clerk who fires back and accidentally kills bystander. The doctrine holds that the robber can be held responsible for the death of the bystander by the virtue of creating a deadly situation.



What allowed Paulson to succeed in stretching this law to apply to the Moreno-Pacheco case and, in fact, what powered his entire prosecution was the deep current of racism in our society as reflected in the criminal justice system.

In the face of this discouraging climate, organizers from the Ella Baker Center for Human Rights mounted a campaign to free Moreno and Pacheco. They started out by organizing a community campaign to support a legal motion for a new trial, which they won.

After the motion was granted, advocates realized that they needed to change the terms of public debate surrounding the case if they were to avoid a replay of the first trial. The news coverage of the first trial was limited and narrow to the point of prejudice. The organizers realized that they needed to mount a different kind of media campaign if they were to be successful in changing public opinion.

To orchestrate this media work, the Ella Baker Center turned to We Interrupt This Message, a non-profit media strategy center, which built a media campaign expressly designed to reframe the terms of debate and help free Moreno and Pacheco.

The news coverage won by this campaign was extensive and highlighted the racist nature of the criminal justice system, the criminalization of youth through anti-gang laws, and the abuse of prosecutorial discretion. And, ultimately it paved the way for Moreno and Pacheco's freedom.

TV and radio news reports extended from *NPR* to *ABC World News Tonight*, *60 Minutes* and the *BBC*. Print coverage extended from the *San Francisco Chronicle* to the *Los Angeles Times*, *La Opinion*, and the *London Independent*.

Changing the Terms of Debate

For social justice advocates, the media challenge often does not end when the news media cover their story. For marginalized communities demonized by media stereotypes there *is* such a thing as bad publicity. Getting news outlets to cover a story the right way can be as an important a task as getting them to cover a story at all.

Traditional PR tactics were originally developed by corporate interests working with corporate-friendly media and as such these tactics focus on getting access, not combating stereotypes. Consequently traditional PR tactics don't go far enough for social justice advocates who need to *change* coverage, not just get coverage.

The terms of debate laid out in the courtroom for the trial of Moreno and Pacheco were clear—the question to be debated was “did Moreno and Pacheco provoke a murder?” Not surprisingly the initial media coverage focused on that questions as well.

Organizers from Interrupt rejected those terms for the media campaign they mounted and instead chose to speak to another question. *Are Moreno and Pacheco charged with murder only because of their race?*

The media message dictated by this strategy was illustrated by a *Los Angeles Times* article which quoted Van Jones of the Ella Baker Center: “It’s a situation where the prosecutor decided who the criminals were based upon the color of their skin and then came up with a charge.”

This strategic reframing of the terms of debate effectively put the prosecutor on trial instead of Moreno and Pacheco. Instead of having to defend the innocence of Moreno and Pacheco, organizer went on the offensive, attacking the credibility of the prosecutor. Rather than a debate that discusses which youth was where in the street fight, the debate revolved around the difference between the race of the youth on trial vs. the race of the murderer who was set free.



Claiming the Moral High Ground

An argument about racism is essentially a moral argument. And moral arguments have the power to trump arguments about efficiency, cost, and efficacy. When an action is widely perceived as morally wrong, it doesn't matter how much money can be made, or how much time can be saved, it's still wrong. And therein lies the power in talking about race.

By highlighting the racist nature of the prosecution in the Moreno-Pacheco trial, organizers were able to campaign in the name of fairness—a widely shared value—and claim the moral high ground.

Naming an Enemy

News stories are often written as short narratives, i.e., little stories with characters and a plot. People are strongly moved when information is imparted to them in the form of a story. For example, fables and biblical parables are powerful in part because they tell powerful stories in a cogent way. Social justice advocates can draw on this same power by scripting the issues they take to the news media as stories.

Traditional stories in our culture portray conflict and resolution and are peopled with good guys and bad guys. Newsreaders look for those characters when they go through a news article.

In the Moreno Pacheco campaign, the trial literally named the conflict “the people vs. Moreno and Pacheco”. It's easy to see who the average reader would suppose to be the bad guys in this story.

By enlarging the story to include a new character—the prosecutor, organizers were able to shift the role of the bad guy from Moreno and Pacheco and move it to the prosecutor.

Talking about Race

News media outlets are often dominated by the same racist values and institutional practices that afflict all large mainstream institutions in the United States. As a consequence, organizers often find that racism is the last explanation journalists will accept to explain even the most glaring of racial disparities. The key to overcoming this barrier is the careful documentation of racism for news reporters.

While the Moreno-Pacheco case received no regional or national news coverage during the first trial, small local papers did cover the case extensively. Local news reports were severely biased, highlighting the allegations of gang affiliation, ignoring or discounting the racial dimensions of the prosecution and generally painting a picture of guilt.

However, organizers were able to piece together all the facts of the case by carefully combing through all the local news coverage. The organizers then constructed a complete story outline for journalists from major news outlets, an outline that cited a news source for each of facts presented in the outline. As a result, journalists were confronted with a documented story of racism that was not only undeniable—it also made for a compelling and attractive news story. In an ironic afternote, subsequent local news coverage changed to reflect the more balanced perspective offered by major outlets.

Framing for Institutional Accountability

News media prefer to tell stories about individuals, with the larger questions about social responsibility lost in the background. As a result, the stories presented to journalists must be framed around the institutional aspects of racism in order to obtain news articles that speak to the roots of racist systems. Otherwise, news outlets will generally offer only stories about individual “bad egg” racists; stories which leave the larger questions about institutional racism untouched.



One way to frame stories around institutional racism is to script stories that include characters that represent institutions and policies. The Moreno case was prosecuted in the courtroom by a deputy district attorney, but organizers targeted the District Attorney in their media campaign, never referring to the deputy D.A. In this way, activists delivered to the media a story character—the District Attorney—that represented the whole institution of criminal prosecution in Solano County.

The Moreno/Pacheco community organizing campaign also provided activists with a tool to frame news coverage. When reporters have only a courtroom trial to cover, their stories will often feature only those players that dominate the courtroom, namely the lawyers. And the stories will often focus solely on the course of the trial. The community events and protests in the Moreno-Pacheco campaign outside the courtroom produced news stories that offered the voices of human rights activists who addressed the larger issue of racism and encouraged the defense lawyers to publicly address the racist nature of the prosecution. Moreover, the events organized by activists and the Moreno and Pacheco families produced news stories before court proceedings even began. As a result, the media was already at a boil when the trial started.

Challenging Lies

After targeting Moreno and Pacheco as the murderers, prosecutors reinforced their case by accusing the youth of being gang members, despite an astonishing lack of evidence to back-up the charge. Nevertheless, the allegation was a dangerous one, as it was powered by the potent stereotype that poses young Latino men as gang bangers.

Racial stereotypes in the media are potent. Consequently, it is important to directly address and challenge lies fueled by racism. In response, Moreno-Pacheco activists did not wait for the trial to reach a discussion of the prosecutor's absurd allegation, but rather approached reporters immediately and detailed the nonsensical logic behind the prosecutor's claim. By preempting the district attorney and directly addressing a racist lie, the activists were able to prevent a stereotype from coming into play in the minds of reporters.

Nuts and Bolts

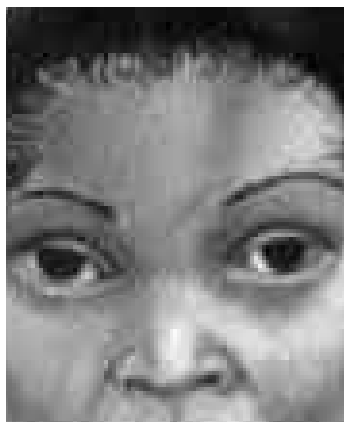
The Moreno Pacheco media campaign did a lot of nut-and-bolts work that got the spokespeople into the news and made them effective.

The organizers looked for new twists in the Moreno-Pacheco story to keep it in the newspaper. For example, knowing that news reporters were looking for holiday stories to tell around Christmas, organizers scheduled a demonstration on December 23 in front of the D.A.'s office to protest the second Christmas spent in jail by Moreno and Pacheco. At the end of the campaign, a letter to the grand jury asking it to investigate the District Attorney's office was released to the media on the same day as Moreno and Pacheco were set free and kept the focus on the prosecutor.

Since the Moreno/Pacheco story was driven in part by a legal trial, editors initially assigned court reporters and other journalists on the "legal" beat. In putting together their press list, organizers targeted reporters who were assigned to regularly cover stories of racism. Often this beat goes by other names such as "civil rights," "minority affairs," "urban affairs," or "social trends."

A script and timeline of the whole Moreno Pacheco story was constructed to give reporters a concise and easy explanation of what was a long and (particularly for those journalists not used to dealing directly with racism) perplexing story.

Organizers regularly made phone calls to reporters, not counting on faxes to cut through all the noise in the newsroom. Rather than leaving messages, organizers would keep calling until they got through in person.



Organizers trained both the families of Moreno and Pacheco as well as advocates, preparing them for media interviews. Trainings would role play interviews, allowing spokespeople to practice answering tough questions and staying on-message, i.e. keeping to the messages that the spokespeople wanted broadcast.

Finally, as news stories with the new messages and better framing began to appear at the regional level, they were bundled together and sent to reporters at the national level to get their interest in the story.

Shared Values

Although it is not always immediately apparent, racial justice and civil rights are values held close to the heart of many Americans. The power of talking about race lies in those values. By constructing media messages about race that speak to shared values, activists can claim the moral high ground and control the terms of debate. Talking about race requires certain care, effort and strategy, but the payoff can be enormous. In the Moreno Pacheco campaign, activists talked about race loud and clear, winning the hearts and minds of the media, the public and ultimately the jury.

Hunter Cutting is Executive Director and Co-founder of We Interrupt This Message, a progressive media strategy and training center with offices in San Francisco and New York City.



SPEAKING TRUTH TO POWER: Bus Riders Union Tell the Media (and Everyone Else) Like It Is

CYNTHIA ROJAS

The Bus Riders Union, as some of you might know, is a multi-racial organization that is building a social movement in Los Angeles, primarily around public transportation issues. We are fighting the Metropolitan Transportation Authority (MTA) in Los Angeles to get them to build a viable transportation system, and put more funds, more money into the bus system used by 96% of the people, who—as you can probably guess—are overwhelmingly low-income, working-class people, and people of color.

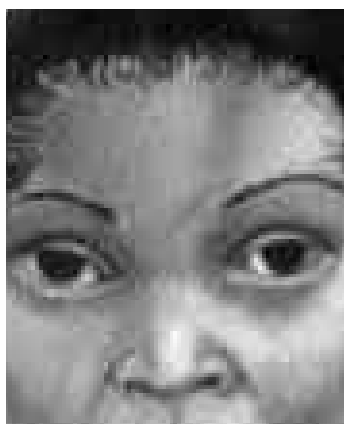
So through our work, the Bus Riders Union is using media in primarily two areas. First, the mainstream media, like TV, radio, newspapers and, second, media that we have more control over—primarily through our own publications, writings, essays, and periodicals. So what is this that we're trying to do through using these different forms of media? Well, here are various things, not in any particular order or importance.

We are trying to push progressives and liberals to the left, in a time when the left is weaker, the right is very strong, and the left is moving more to the center. We want to give space to left thoughts, left ideology, and space for that to be engaged. We are also trying to, as many of the people here are trying to do, change the terms of the debate. We're not just talking about bus service; we're not just talking about buying more buses. Although that's one of the ways that we are trying to fight transit racism. But that's what we are doing. We are naming it. It's transit racism, its environmental racism when the MTA is trying to buy diesel buses over natural gas buses. It's about fighting corporate powers that be. It's about fighting the privatization of public resources and public social services.

We are trying to organize oppressed nationalities; educating the people who are on the buses, who are not on the buses; the working class, folk of color. I mean political education and raising consciousness. We use different approaches like certain symbols and slogans that speak to people's specific cultural history. We speak to them in ways they can relate to, and that will entice thought. We want to get people thinking about their material conditions. What's going on? Why were they waiting for a bus for so long? Why are they on an over-crowded bus, etc.

And we're breaking the bounds of "thinkable" thought. It's not just about getting more bus service. I'm on the bus and people are telling me how bad the bus service is, and I'm telling them, "Yeah, and this is what we are demanding: doubling the fleet from 2,000 to 4,000 buses; 50 cent fares from a fare that now is \$1.35; and we're demanding \$20 monthly passes." Right now they cost \$42. And people wonder how. They say, "It doesn't make sense. How can the prices go down?" But it does, and it can, and it will.

So how are we doing this? I'm just going to give a few examples. For instance, one of the neatest things that has come out in the last couple years has been the creation of a theatre group, a *teatro* group, members who write and create their own characters. One character is "Super Pasajera," who comes out of this, *mucha libre* tradition. I don't know if folks here are familiar with this, but in Mexico there is this whole wrestling culture that has different forces, that have different characters. The neat



thing about “Super Pasajera” is that she is a woman, and she is fighting for the rights of the working poor in Los Angeles. She is fighting the corporations. She fights the MTA and puts the money back in the pockets of poor people. We have the *teatro* group who go out and do their skits on the buses—interrupting space. The skits follow this novella theme: we have the *novio*, the husband who is after the wife, and they have conflict and resolve it on the bus. There is the MTA contractor, whose after the same “hearts” as the Bus Riders Union—he’s trying to organize the same people. You get the idea.

Through poster campaigns we do guerrilla postering. The *No Somos Sardinias* campaign is our most successful one. *No Somos Sardinias* means, “We are not sardines.” This campaign speaks to people’s personal experience on the bus. We *do* feel like sardines. People are telling me that it’s not that we are sardines but that we are packed like sardines into these buses. And we say, “We are not sardines, we are not animals.” Putting it into a greater political context, we are challenging how racism is creating these spaces. The Right is telling us this, Liberals are telling us this, though in different ways, in different forms.

The *Billions for Buses* campaign communicated through different slogans, like “mass transportation belongs to the masses.” It essentially put out there that public transportation is a human right. It’s not just that people need more service—which they do. It’s that people have the right to more service. People have the right to be able to access education, have the right to be able to access higher-paying jobs, have the right to be able to go the doctors, the right to go to the movie, to the park, to the beach. The *No Seat No Fare* campaign brought a lot of media attention from mainstream media.

For a couple of years, the media saw us as the “loud bus advocates” demonstrating at the MTA board. Through the *No Seat No Fare* campaign, the *organization started to get recognition*. First of all, by getting the media to call it the Bus Riders Union and not the bus rider advocates, we are able to put out there that this is a *movement* of working-class people, this is a *movement* of people of color.

Another important media outlet is *Ahora Now!* which is a Strategy Center publication. A recent issue featured an article about the Black Radical Congress; it’s bilingual in English and Spanish like all issues of *Ahora Now!* The publication is not only creating this forum for left thought and engaging in left theory, but it’s also providing an opportunity to monolingual Spanish speakers to be able to read about the Black Radical Congress. Monolingual Spanish speakers don’t often have the opportunity to read about black history or African-American history and explore that.

Another key component of our own media I want to share with you is the Bus Riders Union film. We are very fortunate that Academy Award winner, director, and producer Haskell Wexler essentially gave us a film. He made an incredible film about this working-class movement, a movement of people of color. Seeing this film is such an emotional experience for me, and I think for many people, because oftentimes you think of the Civil Rights Movement. I know some of the images that move me. Seeing the images from the ‘60s—from struggles of the freedom riders to SNCC to Martin Luther King to Ella Baker—those images move me. Being able to see a movement today, here and now, in Los Angeles, through this film, images of East L.A., of South L.A., people on the bus, people at work, people in their homes, the working-class people, and giving “face” to that movement. The film opens up many opportunities to organize and popularize the movement, and to open it up to other folks.

Cynthia Rojas is a Chicana/Latina community organizer with the Labor/Community Strategy Center, a multi-racial think tank/act tank. As an organizer for the Strategy Center’s Bus Riders Union campaign, she is also interested in and has done solidarity work for the Zapatista movement in Mexico. She is the daughter of Mexican immigrants and grew up in the projects of Houston, Texas.



THE VIEW FROM THE UK

Lessons and Models to Address Institutional Racism

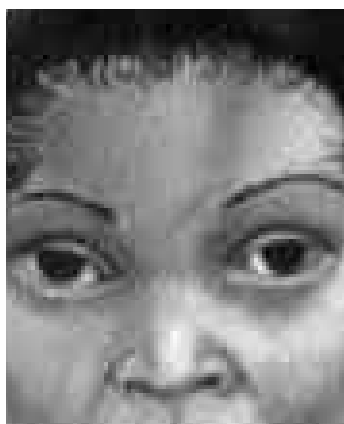
VEENA VASISTA
1990 Trust (London, UK)

I have been working in the UK for the last six years on anti-racism and race relations, with a recent focus on raising awareness about racism as a violation of human rights. This presentation looks at UK strategies for challenging institutional racism, the added value of international human rights standards to this struggle, and the relevance of both to the US experience.

The UK¹ is demographically and historically very different from the US. So-called “ethnic minority” communities comprise approximately seven percent of the UK population. These communities are primarily from South Asia, Africa and the Caribbean and live predominantly in large urban areas. Although the presence of “Black” people—a political term referring to people of Asian, African and Caribbean descent—in the UK dates back centuries, a major migration took place after the Second World War in response to labour shortages. Over the decades, Black communities in the UK have faced discrimination in employment, housing, healthcare, the criminal justice system and so forth.

In Great Britain, the primary race discrimination legislation is called the Race Relations Act 1976 which makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. It applies to jobs, training, housing, education, and the provision of goods, facilities and services. The Act is enforced by a quasi autonomous non-governmental organisation (or quango) called the Commission for Racial Equality. Currently, race equality activists are struggling to reform the Act, including extending its application to all public authorities—including the police when carrying out their law enforcement duties (as opposed to public service). I am aware that recently in the US, racism in policing has received much attention, and it strikes me that the issues are very similar to those in the UK. For example, what you call “driving while Black” and “stop and frisk” we call “stop and search”. Institutional racism in policing I think provides a useful starting point for looking at emerging strategies for challenging racism. In particular, I would like to draw your attention to the Inquiry into the death of Stephen Lawrence.

In 1993, two Black teenagers were at a bus stop in South London, when they were set upon by, it is believed, six white youths screaming racist insults. One of the teenagers was fatally stabbed. By the time the police arrived, the white youths had long since fled and the police were faced by a distraught Black teenager who had witnessed the stabbing of his best friend. Their initial response



1 The United Kingdom is comprised of Great Britain (England, Scotland and Wales) and Northern Ireland.

was to assume that the Black teenagers were in some sort of unlawful trouble, and the young man who had just seen his friend stabbed was not treated as the victim of a racist attack, bound to be upset and in need of sensitive attention. You might have heard of the teenager who died, Stephen Lawrence and his friend Duwayne Brooks.

Seven years later, no one has been convicted of this crime despite anonymous tips, witness statements and other evidence. The Lawrences, with support from the wider community, campaigned for an independent inquiry into the investigation of their son's murder—convinced that justice had not been served and that racism was a key factor. In 1997, under the first Labour government in nearly two decades, a national public inquiry into the murder of Stephen Lawrence began, with two main objectives: to look into the police handling of the Lawrence murder and to inquire more generally into racism in policing.

The inquiry panel was comprised of four men, including a Black Bishop and a retired, conservative judge as the Chair.² In the course of one year, it heard testimony from police officers, Mr. Brooks, the Lawrences and even the suspected attackers. It solicited written and limited oral testimony from other families who had experienced racism in policing and from non-governmental and community organisations throughout the country. In February 1999, the Inquiry published its final report with seventy recommendations for the Government. The report went so far as to say that not only did the London metropolitan police have to address to the problem of institutional racism, but so too did public bodies more generally. The Inquiry's definition of institutional racism is as follows:

*"[T]he collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people"*³

This definition is not perfect and certainly has not been unanimously accepted by "ethnic minority" community representatives. Nevertheless, it has been accepted by the government and provides a useful starting point for moving forward in the challenge to racism. The recommendations of the Inquiry addressed gaps in British anti-discrimination law and advised on issues that included deaths in police custody, anti-racism in public education, and access to legal aid.

The Inquiry into the murder of Stephen Lawrence was by no means a panacea, and a year later many activists remain frustrated by the slow pace of change, the backlash amongst both the police and the wider public, and the reluctance of some public bodies to acknowledge the relevance of the Lawrence Inquiry to their work. Nevertheless, this concept of "institutional racism" as recognised by the Inquiry has provided activists with a useful tool for pushing public bodies to review their policies and practices. But of what use is this to people in the US?

The histories and demographics are assuredly different, but the concerns and responses to them by politicians and public authorities, such as the police, are rather similar. The UK, like the US, is struggling to address the documented fact that a disproportionate number of Black men are

2 Although the background of the judge was a concern for activists, in the end the judge's admission that the Inquiry changed his attitude toward race in England gave the Inquiry an additional degree of credibility among the middle classes of being more than some left wing witch hunt.

3 Report of an Inquiry by Sir William MacPherson of Cluny. The Stephen Lawrence Inquiry, February 1999. Section 46.25, page 321.



stopped and searched by the police or die by use of excessive force in police custody. Beyond criminal justice, we are concerned about the disproportionate number of African Caribbean, and increasingly, Bangladeshi boys who are expelled from school. We are concerned about racism in healthcare and the small number of “ethnic minorities” in the judiciary and in senior level positions with the civil service. We are also concerned that racism plagues the judicial process and that politicians continue to play the “race card” to win votes. The tales are familiar. Yet what seems (and forgive me if I am wrong) to be missing in the US is a public discussion about institutional racism and the need for radical structural change of public institutions across the board.

The concept of institutional racism, as defined by the Lawrence Inquiry, can be very problematic and does potentially allow individuals to escape their responsibility for tackling racism, by speaking of “unwitting” prejudice and “collective” failure. But in the UK it has government departments acknowledging that seemingly “neutral” policies can be racially discriminatory and that in some cases it is irrelevant whether or not there was intent to racially discriminate. It has helped to lay the foundation for new approaches to policymaking including race equality impacts assessments. It has brought to light some of the more subtle forms of racism, which impede equal access to opportunity and perpetuate racial discrimination.

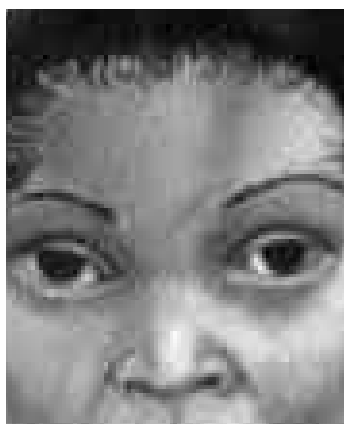
British government departments and public authorities more generally are increasingly reviewing two aspects of their work. They are reviewing their employment practices in order to increase the number of ethnic minorities in senior positions within the civil service. They are also scrutinising existing policies and their policy-making processes, calling them “race equality audits”. For example, they are asking questions such as, “How do we effectively consult with ethnic minority communities when creating policy?” They are starting to consider ways to monitor the (disparate) impact of policies on particularly vulnerable communities.

In policing, for example, officers are now required to make an official note of the ethnicity of an individual they have stopped. Forces must regularly report the statistics and take the necessary action to address any findings of racial discrimination. The process is slow and much work needs to be done to enable ethnic minorities to be on equal footing in their dialogue with policy makers, and to ensure that policy-makers are asking the right questions and make substantive changes. With regards to policing, many feel that too much focus has been placed on race awareness training and increasing the number of ethnic minority police officers with not enough attention being given to, for example, the need for structural overhaul of police recruitment, better disciplinary procedures, and a change in the system of governance of the police (i.e. increasing direct community involvement in management of the police).

The goal is not merely a change in legislation—which people are hoping will take place with reforms to the Race Relations Act,—but also a change in culture. This includes the culture of decision-making and public attitudes towards racism and equality. An important change to the Race Relations Act for which people are advocating is that public bodies will not only have an obligation to not discriminate, but they will also have a “positive obligation” to promote equality. This would entail not only monitoring the outcomes of supposed neutral policies, but also taking positive action steps to tackle racism, particularly in its institutional forms.

The pace of change is different throughout the UK. The recent peace agreement for Northern Ireland includes a:

“...statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public



bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.”⁴

An Equality Commission⁵ has been formed with the obligation to enforce this legal provision. Recently, gay/lesbian, anti-racism and disability activists managed to persuade the politicians to incorporate a similar provision in the legislation creating the Greater London Assembly and Mayor of London. With regards to policing, some race activists in England have been looking to the Northern Ireland response to human rights abuses by the police for their relevance to issues such as those raised by the Lawrence Inquiry.

In this context, I ask you, to what extent are the necessary systems and legislation in place in the US to oblige public authorities to carry out effective policy impact assessments? To what extent is there the political will to make structural changes to public institutions, particularly in terms of accountability and transparency? This question and the reference to Northern Ireland brings me to my final point, which is that these issues are about fundamental human rights. Certainly, the “troubles” of Northern Ireland have long since been assessed in a human rights framework.

For the last few years, my job has been to work with Black organisations to get them tuned into what is going on in the international human rights arena, including the new Human Rights Act in the UK, the United Nations World Conference Against Racism and the United Nations Committee for the Elimination of Racial Discrimination (CERD). We all have an inalienable right to be free from racial discrimination and there are a number of ways in which international human rights standards and institutions can assist us in upholding this right. In 1996, for example, the UK made its regular report to CERD on its compliance with the International Convention for the Elimination of All Forms of Racial Discrimination. For the first time, non-governmental organisations (including Black organisations) from England and Northern Ireland made detailed written submissions to CERD and sent a delegation to give an informal oral presentation to the Committee.

As a consequence, the conclusions and recommendations of the Committee drew international attention to key domestic issues including the disproportionate number of Black men dying in police custody, the disproportionate number of African-Caribbean youths being expelled from school and the inadequacies of the Race Relations Act 1976. The media attention on the CERD report began to raise awareness of racism as an international human rights violation. Some say that the recommendations from CERD played an important role in getting the Race Relations Act 1976 extended to apply to Northern Ireland. Consequently, we intend to send a non-governmental delegation to CERD for the next review of the UK and have been working to ensure that race equality issues are addressed in non-governmental submissions made to other UN Committees. Meanwhile, in our policy documents and campaigns, we make reference to CERD’s conclusions, relevant comments/recommendations from other UN Committees, and relevant obligations of the UK under various international human rights treaties.

4 The Northern Ireland Good Friday Agreement, Section 6.3

5 This is actually a contentious step, as many groups preferred to retain separate commissions for equality issues (e.g. a race equality commission) at least for the time being. Groups are also not sure whether it is best to have an Equality Commission and a Human Rights Commission, as is planned. This is also a significant debate for England which currently has three Commissions to enforce, respectively, disability, race and gender discrimination.



The international human rights arena can seem big and scary, particularly for small anti-racist organisations. But the institutions and the standards are ours and they provide another tool for us to take our agenda forward and to let people know that racism is a violation of human rights. This is why I hope that US organisations working on race equality issues will become actively involved in the World Conference Against Racism, prepare submissions to CERD, and exchange information with groups in the UK our recent experiences of challenging institutional racism not only in policing but across the spectrum of public institutions. The history and numbers may be different, but the tales are often the same –we remain linked by a shared struggle.

Veena Vasista currently works as an Associate with the International Human Rights Law Group US Racial Discrimination Program in Washington D.C. Originally from Chicago, she came to D.C. after studying and working in England for seven years. She was formerly the Human Rights Program Co-ordinator for the 1990 Trust in London. The Trust is a national Black organisation working to challenge racism and to increase the participation of Black (referring to people of African, Asian and Caribbean descent) communities in the political process in the UK. While at the Trust, Veena was an active Board member of the constitutional reform organisation Charter 88 and Council member with Liberty (the British equivalent to the ACLU). She was one of five non-governmental members of the UK Government Task Force on Human Rights. Prior to the 1990 Trust, Veena was Head of Projects at the Runnymede Trust, a race relations think-tank in London.



USING THE LAW TO ELIMINATE RACIAL DISCRIMINATION IN HEALTH CARE

A Background Paper¹

VERNELLIA R. RANDALL²

Racial and ethnic minorities lag behind on nearly every health indicator, including health care coverage, access to care, life expectancy, and disease rates.³ “The President has committed the Nation to an ambitious goal by the year 2010: eliminate the disparities in six areas of health status experienced by racial and ethnic minority populations while continuing the progress we have made in improving the overall health of the American people.”⁴ The President’s goal is a formidable one. Three problems complicate achieving it: the racial disparity in the *health care system*, the rationing influence of managed care that may increase the incentives to act on racial stereotypes, and the inadequacy of the legal system in dealing with “unthinking discrimination.”⁵

Racial Disparity in the Health Care System.

Racial disparity is manifested in racial barriers to hospitals, to nursing homes, and to physicians and other providers.⁶ The institutional racism that exists in many health care facilities manifests itself in a number of ways, including the adoption, administration, and implementation of policies that restrict admission;⁷ the closure, relocation, or privatization of facilities that primarily serve the minority communities;⁸ and the transfer of unwanted patients (known as “patient dumping”) by hospitals and other institutions.⁹ Nursing homes are among the most segregated publicly licensed health care facilities in the United States,¹⁰ and racial discrimination is the major factor explaining nursing home segregation.¹¹ Finally, the shortage of minority health professionals affects both access to health care and minority input into the health care system.¹²

However, racial barriers to access are only one aspect of a racialized health care system. The other aspect is racial disparities in type of services ordered and in the provision of medical treatment.¹³ Disparity in treatment has been well documented in a number of studies, including studies done on AIDS,¹⁴ cardiology,¹⁵ cardiac surgery,¹⁶ kidney disease,¹⁷ organ transplantation,¹⁸ internal medicine,¹⁹ obstetrics,²⁰ prescription drugs,²¹ treatment for mental illness,²² and hospital care.²³ Certainly, differences in treatment can be based on a number of different factors, including clinical characteristics, income, medical or biological differences. However, race plays an independent role,²⁴ and of all the influences on the health of minorities, it is imperative that the health care system be free of racial discrimination—even unthinking, unconscious or negligent discrimination.²⁵

The Rationing Goal of Managed Care Organization.

Managed care organizations (MCOs) complicate the problem of racially disparate health care because they increase the incentives for providers and facilities to engage in discrimination.²⁶ MCOs were developed to provide a mechanism for third-party payers and employers to control health care costs.²⁷ The assumption underlying MCOs is that health care costs can be decreased by



reducing the significant over-utilization in the “fee-for-services” system.²⁸ Through “prospective” utilization review and financial risk-shifting (primarily to the providers), MCOs increase the incentives for both patients and providers to ration. It is through these rationing functions that managed care may increase the incidence of racially disparate health care treatment by encouraging unthinking discrimination.

Prospective utilization review may be a problem for minorities (and other under-served populations) for several reasons. First, because of the lack of prior health care, minorities typically approach MCOs with a backlog of illnesses that have been inadequately treated or have gone untreated.²⁹ This type of medical history can affect the quantity and quality of care needed.

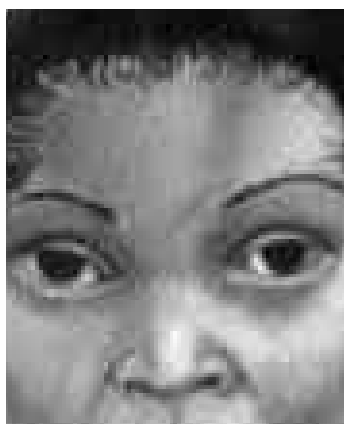
Second, even for illnesses developed after enrollment in an MCO, the course of the illness for minorities is likely to be longer and more severe. Even for many middle-class minorities, a lack of childhood or prenatal health care has a generational or a multi-generational effect on health status.³⁰ If MCOs do not take this generational effect on health status and the need for health care into consideration when developing protocols or practice parameters, minorities will continue to receive inadequate health care.

Third, the protocol for utilization review comes largely from research on white middle-class males.³¹ Consequently, the needs of minorities that are different from those of white middle-class males are likely to be denied because they fall outside the protocols.

Finally, providers hired by third-party payers to conduct utilization review may lack the cultural competency to factor a patient’s poverty, race, class, and prior health care into their recommendations.³² Unfortunately, many of the providers who traditionally serve minority populations may not be able to contract with MCOs or may be discharged as a part of economic credentialing.³³ Indeed, minority providers may find the doors to MCOs closed to them both as owners and provider-employees. Without providers who consider race, class, and poverty, even culturally relevant protocols may be misapplied.

Nevertheless, utilization review is not the only problem. Under utilization review, the potential to control costs is tempered, *at least theoretically*, by a patient’s ability to protest denial of services. It is the combination of utilization review with financial risk shifting that provides the greatest potential for unthinking discrimination. Under managed care, health care providers act as gatekeepers to health care services; that is, their contractual obligation to third-party payers is to limit access to health care services.³⁴ This gatekeeping shifts the focus of the health care system from the doctor-patient relationship to the doctor-payer relationship. It shifts the risk of loss from the third-party payer to the provider. This shift of focus has serious implications for minorities. For instance, where the utilization review standards are culturally insensitive, the physician will be under the greatest pressure to deny or modify services to the population—such as minorities—who are not represented in the standards. Often these are the patients who require the most services. Furthermore, physicians may also believe, either consciously or subconsciously, that minorities are less likely to deserve the services, or less likely to complain about the denial of services.

MCOs propose to form a partnership with physicians and other providers to reduce utilization. Under this partnership, third-party payers can use MCOs to reduce costs and increase profits (or, in the case of government, to lower taxes). They do so by prospectively deciding what the organization will pay for and by using financial incentives to encourage physicians and other providers to act as gatekeepers whose functions include preventing so-called unnecessary services. But what if a population group shows little or no over-utilization? Racial minorities and other under-served



populations demonstrate under-utilization rather than over-utilization. When that under-utilization is combined with poorer health status, these populations need (and should use) more services than the norm. Thus, health care costs more, which may defeat the underlying goal of cost control.

The question of how third-party payers respond to minority communities is unanswered. Unfortunately, little is known about how managed care has responded to issues of racial disparity in health services. Yet, without an appropriate response to the needs of racial minorities, it is not likely that MCOs will effectively improve the health status of minorities.³⁵ In addition, through the inherent force of financial risk shifting, they may cause providers to increase their “unthinking” discrimination against minorities. To be quite blunt, without careful attention to the problem, managed care will increase the incentives to discriminate based on race.³⁶

Historical Inadequacy of the Legal System.

Racial inequality in health care persists in the United States despite laws against racial discrimination. “It might be that civil rights laws often go unenforced; it might be that current inequities spring from past prejudice and long standing economic differences that are not entirely reachable by law; or it might be that the law sometimes fails to reflect, and consequently fails to correct, the barriers faced by people of color.”³⁷ The discussion of discrimination in health care has been limited. That discussion has centered almost entirely around Title VI of the Civil Rights Act³⁸ and on assuring access to facilities and providers.³⁹

As pointed out by a number of researchers, Title VI of the Civil Rights Act⁴⁰ is inadequate.⁴¹ First, although required by regulation to produce data,⁴² the Office of Civil Rights’ (“OCR”) Title VI enforcement effort has produced little consistent data for evaluating Title VI compliance.⁴³ Second, there has been “little uniformity in how different states handle Title VI requirements, little guidance, little analysis of the information collected by this process, no research and development.”⁴⁴ Third, Title VI lacks specific definitions of prohibited discrimination and acceptable remedial action.⁴⁵ Fourth, OCR has relied on individual complaints as a means of enforcement.⁴⁶

Even if the provisions of Title VI were improved and data collected, the legal system within which Title VI operates would still be inadequate for the particular difficulties presented by the health care system. That is, the legal system has had particular difficulty addressing issues of “unthinking discrimination”—discrimination that results from acting on biases and stereotypes. While legal standards for discrimination have not always centered on intent, they do so now.⁴⁷ Thus, to prove a disparate treatment claim, an individual must show that the defendant intentionally discriminated.⁴⁸ Such a standard means that few of the discriminatory acts that occur in the health care system can be successfully litigated, since most occur from “unthinking” or “unconscious” biases. As long as the law requires a conscious discriminatory purpose for disparate treatment liability, individual discrimination claims cannot address the issue of unconscious or unthinking prejudice.⁴⁹ As long as unconscious or unthinking discrimination is allowed to proceed unchecked—health care discrimination will continue.

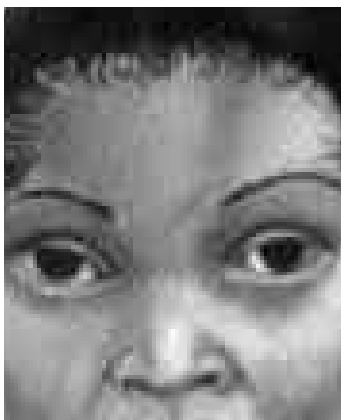
Furthermore, the health care system presents several additional problems. First, as with the situation when racial minorities use housing and lending institutions, individuals can be totally unaware that the provider or institution has discriminated against them. Second, because of the very specialized knowledge required in medical care, individuals can be totally unaware that they have been injured by the provider. Third, the health care system, through managed care, has actually built in incentives that encourage unconscious or unthinking discrimination.⁵⁰ Because of these issues, an appropriate legal structure is essential to eliminating institutional/cultural discrimination.



In an effective public health policy, appropriate state and federal laws must be available to eliminate discriminatory practices in health care. Thus, the crux of the problem for the legal system: given managed care, the historical disparity in health care, and “unthinking discrimination, what is the best way for the *legal system* to remedy racial disparity in the health care system? This is the problem that needs to be studied and addressed.

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- 1 This proposal uses the *Bluebook: Uniform System of Legal Citation*. However, because of the page limitations, parentheticals typical in legal writing have been generally omitted.
- 2 Professor of Law, The University of Dayton School of Law; BSN, The University of Texas; MSN, The University of Washington; JD, Lewis and Clark College.
- 3 See, e.g., Karen Scott Collins, Allyson Hall, and Charlotte Neuhaus, U.S. MINORITY HEALTH: A CHARTBOOK (1998); U.S. Dept. of Health & Human Services, HEALTH STATUS OF MINORITIES AND LOW INCOME GROUPS: THIRD EDITION 5–8 (1991); H.R. Rep. No. 804, 101st Cong., 2d Sess. 1990, 1990 U.S.C.A.N. 3296.
- 4 See *Eliminating Racial and Ethnic Disparities in Health: Response to the Presidential Initiative on Race*, 113(4) PUBLIC HEALTH REPORTS 372 (July–August, 1998).
- 5 See, Jessie Allen, *A Possible Remedy for Unthinking Discrimination*, 61 BROOKLYN LAW REVIEW 1299 (1995) (hereinafter *Unthinking Discrimination*).
- 6 See, e.g., Barbara A. Noah, *Racial Disparities in the Delivery of Health Care*, 35 SAN DIEGO LAW REVIEW 135 (1998) (hereinafter *Racial Disparities*); Vernellia R. Randall, *Racist Health Care: Reforming an Unjust Health Care System to Meet the Needs of African Americans*, 3 HEALTH MATRIX 127 (Spring, 1993) (hereinafter *Racist Health Care*).
- 7 See, e.g., *Cook v. Ochsner Foundation Hosp.*, Civ. No. 79–1969 (E.D. La. Feb. 12, 1979).
- 8 See, e.g., Marianne L. Engelman Lado, *Breaking the Barriers of Access to Health Care: A Discussion of the Role of Civil Rights Litigation and the Relationship Between Burdens of Proof and the Experience of Denial*, 60 BROOKLYN LAW REVIEW 239 (1994).
- 9 See, e.g., EQUAL ACCESS TO HEALTH CARE: PATIENT DUMPING: Hearings Before the Subcomm. on Human Resources and Intergovernmental Relations of the House Comm. Government Operations, 100th Cong., 1st Sess. 1–2 (1988).
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- 14 See, e.g., Daniel J. DeNoon, *AIDS Care Not Color Blind*, AIDS WEEKLY 2 (Sept. 11, 1995).
- 15 See, e.g., Kevin A. Schulman, et al., *The Effect of Race and Sex on Physicians' Recommendations for Cardiac Catheterization*, 340 NEW ENGLAND JOURNAL OF MEDICINE 618 (Feb. 25, 1999).
- 16 See, e.g., Charles Maynard et al., *Blacks in the Coronary Artery Surgery Study: Race and Clinical Decision Making*, 76 AMERICAN JOURNAL OF PUBLIC HEALTH 1446 (1986).



- 17 See, e.g., P.W. Eggers, *Effect of Transplantation on the Medicare End-Stage Renal Disease Program*, 318 NEW ENGLAND JOURNAL OF MEDICINE 223–29 (1988).
- 18 See, e.g., Robert S. Gaston, et al., *Racial Equity in Renal Transplantation*, 270 JOURNAL OF AMERICAN MEDICAL ASSOCIATION 1352 (1993).
- 19 See, e.g., John Yergan et al., *Relationship between Patient Race and the Intensity of Hospital Services*, 25 MEDICAL CARE 592 (1987).
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THE SIGNIFICANCE OF RACE IN THE RACIAL GAP IN ACADEMIC ACHIEVEMENT¹

**PÉDRO A. NOGUÉRA AND
ANTWI A. AKOM**

Once again national attention has been drawn to the phenomenon now commonly referred to as the racial gap in academic achievement. The issue has become particularly salient as states have adopted new exams in an effort to raise academic standards to hold schools and students accountable for their performance. Despite its many faults as an educational reform strategy, the advent of high stakes testing in states throughout the nation has focused attention to the long neglected issues surrounding student achievement.

The appearance of a racial gap in student achievement is by no means a new development. For years, evidence of disparities in achievement have shown up in test scores, grades, drop-out, and graduation rates, and almost every relevant indicator of academic performance. However, more often than not, the presence of significant differences in measures of performance among African American, Latino, and Native American students who generally fall on the lower end of the achievement spectrum, with larger numbers of White and Asian students more likely to be found at the higher end, has been accepted as normal and unproblematic. The consistency of such patterns in almost every school and school district in the nation has the effect of reinforcing well-established assumptions regarding the relationship between race, academic ability, and intelligence. Nonetheless, despite lingering doubts about the abilities of certain children to learn, the new tests and the penalties that accompany them have focused attention on the racial achievement gap. In many cases the tests are also forcing schools to seriously examine how they educate children of color.

The drawbacks related to the new high stakes tests are not insignificant. In states such as California, the tests are generally not aligned to the curriculum, which means that students are tested on material to which they may not have been exposed. The tests are also administered in English, which means that over a third of the students in California are unable to comprehend the questions. The purpose of the tests also raises important questions, for, rather than providing teachers with useful diagnostic information on the abilities and skills of their students, the tests are typically used as a basis for ranking students and schools, a process which predictably results in poorer students and the schools that serve them being ranked at the bottom of the achievement ladder. Finally, and perhaps most importantly, there is growing concern among educators that the tests are being used to determine the content of what children learn in school, and that the content will be so limited and narrowly conceived that education will be reduced to preparing kids for tests while other purposes of education—encouraging critical thinking, creativity, and intellectual curiosity—will be abandoned.

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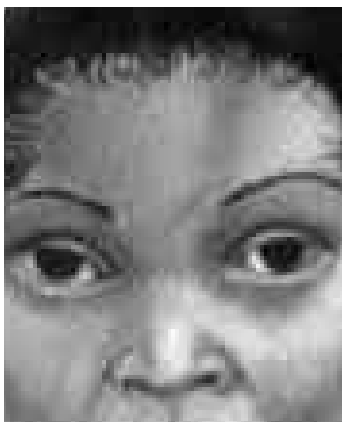
Of course, the results obtained from achievement tests reflect more than just racial disparities. Most consistently, an analysis of test scores also reveals a close correspondence between the scores children obtain and broader patterns of social inequality within American society. With few exceptions, the children of the affluent out-perform children of the poor. However, what makes the racial gap unique is the fact that the benefits typically associated with middle-class status don't accrue to African American and, in many cases, Latino students. In many school districts, children of color from middle-class, college-educated families continue to lag significantly behind White students on most achievement measures. The performances of these relatively privileged students have brought renewed attention to the relationship between race and educational performance, an issue that historically has generated controversy and paralysis for those charged with figuring out what should be done.

Explaining why poor children of color perform comparatively less well in school is generally a less complicated matter. Consistently, such children are educated in schools that, on most measures of quality and funding, are woefully inadequate. This is particularly true in economically depressed urban areas, where bad schools are just one of several obstacles with which poor people must contend. In inner-city schools throughout the United States it has frequently been the case that schools are unable to provide consistent and reliable evidence that the children they serve are learning and provided quality education. Parents often perceive the public schools available to their children as hopeless and unresponsive to their needs, prompting many who can to opt for private schools to withdraw. For those who cannot escape, a growing number of parents have actively sought alternatives via vouchers and various privatization schemes. The proliferation of these kinds of educational alternatives in cities such as Milwaukee, Cleveland, and Baltimore is yet another sign of the mounting pressure exerted by parents who are no longer willing to accept the status quo.

The stark inequities manifest in inner-city and some rural schools help to explain the low achievement rates of large numbers of poor children, a disproportionate number of whom are African American and Latino. Left unexplained is the lagging performance of middle-class and poor African American and Latino children who have access to better schools. This is the question that has prompted 15 racially integrated, affluent school districts to form a consortium known as the Minority Student Achievement Network. Comprised of districts located in communities such as White Plains, New York, Ann Arbor, Michigan, and Berkeley, California, the network seeks to understand the causes of the racial achievement gap and to devise solutions for reversing it.

On the face of it, the potential for success in reducing the gap in these districts would seem to be high. All 15 school districts in the network have a track record of sending large numbers of affluent White students to the best colleges and universities in the country. Additionally, unlike schools in high poverty areas, funding is largely not a major obstacle to reform. All of the districts are located in affluent communities with highly educated populations known for their commitment to liberal political and social values. Yet, in all 15 districts, prospects for producing change are hampered by a deeply ingrained sense that even this ambitious, well-intentioned effort will fail to alter student outcomes.

To a large degree, much of the pessimism in these districts and many others that have launched efforts to overcome the racial achievement gap can be attributed to the confusion surrounding the relationship between race and student achievement. Lack of clarity on these issues can be seen most clearly at the level of policy and practice. From a policy standpoint, most issues pertaining to race and education have historically centered on efforts to support racial integration in schools. For



a variety of reasons, figuring out how to desegregate schools has taken precedence over how to serve the educational needs of a diverse student population. Policies born out of court orders have seldom been based on an understanding of sound educational practice. Moreover, even in the liberal districts in the Minority Student Achievement Network (some of which were among the first in the nation to voluntarily desegregate), the arrival of significant numbers of students of color in the late '60s and early '70s was met with considerable opposition.

From the very beginning, the presence of African American children, especially those from low-income families, was perceived as a “challenge” to which to respond because the children were typically perceived as disadvantaged and deficient in comparison to their white schoolmates. Framed as “problems” and “challenges” from the very start, it is hardly surprising that the education of students of color would continue to be treated as a problem requiring special interventions years later.

In addition to policy, educational practices often have the effect of favoring privileged students and hindering the educational opportunities of poorer students specifically, and African American and Latino students generally. This is particularly true with respect to the various strategies employed by schools to track and sort students on the basis of some measure of ability and acumen. A large body of research has shown that students of color are more likely to be excluded from classes for those deemed “gifted” in primary school and from honors and advanced placement courses in high school. The Education Trust has shown, through its research on science and math education, that even students of color who meet the criteria for access to advanced courses are more likely to be restricted based on the recommendation of a counselor or teacher. They are also more likely to be placed in remedial and special education classes, and to be subject to varying forms of school discipline.

Beyond the policies and practices which contribute to the achievement gap, a number of ambiguous cultural factors related to the attitudes and behaviors of students, the child rearing practices of parents, and the expectations and effectiveness of teachers also influence patterns of student achievement. Several studies have indicated that middle-class African American and Latino students spend less time on homework and study in less effective ways than middle-class White and Asian students. Also, despite the visibility of African American students in sports such as football and basketball, research shows that these students are less likely to be involved in extracurricular activities (which are shown to positively influence achievement) and, in response to surveys, are more likely to emphasize the importance of being popular among friends than doing well in school.

Missing from the research and policy debates on the racial gap in student achievement is an understanding of the ways in which children come to perceive the relationship between their racial identities and what they believe they can do academically. Schools play an important role in shaping the racial identities of many children because they are one of the few social settings where the children interact with people from different backgrounds. To the extent that a school's sorting process disproportionately relegates Black and Brown children to spaces that are perceived as negative and marginal, it is likely that children will come to perceive certain activities and courses as racially defined and therefore either suitable or off limits for them.

For example, in schools where few minority students are enrolled in advanced placement courses, even students who meet the criteria for enrollment may refuse to take such courses out of concern that they will become isolated from their peers. The same is true for the school band, newspaper, debating team or honor society. To the extent that these activities are perceived as the domain of White students, non-white students will be less likely to join. This occurs because peer



groups play a large role in determining the academic orientation of students. The peer group with whom a student feels a sense of affinity can influence his or her style of clothes, manner of speech, and future career orientation. For middle-class African American and Latino students, this may mean that, despite receiving encouragement from their parents to do well in school, the peer group with whom they identify may have stronger influence and push them in a different direction.

Finally, racial images rooted in stereotypes which diminish the importance of intellectual pursuits limit the aspirations of young African American and Latino students. Such images permeate American society and have an impact on attitudes toward school. Despite the odds of success in professional sports and entertainment, many young people believe that they have a greater chance of becoming a highly paid athlete or rap artist than an engineer, doctor or software programmer. Moreover, with the advent of rollbacks on affirmative action policies at colleges and universities, there is little doubt that students who possess entertainment value, who can slam dunk or score touchdowns, will always be admitted regardless of their academic performance—even as aspiring doctors and lawyers are turned away.

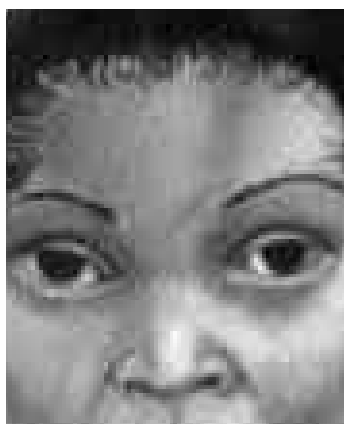
When placed within the broader context of race relations in American society, the causes of the racial achievement gap appear less complex and mysterious; the gap is merely another reflection of the disparities in experience and life chances for individuals from different racial groups. In fact, given the history of racism in the United States, and the ongoing reality of racial discrimination, it would be even more surprising if an achievement gap did not exist.

If the children of those who are most likely to be incarcerated, denied housing and employment, passed over for promotions, or harassed by the police did just as well in school as those whose lives are largely free of such encumbrances, this would truly be remarkable news. But this is not the case, and if we recognize that educational patterns generally mimic other social patterns, we should not be surprised.

However, lest recognition of the racial achievement gap drive us into greater despair about the prospects for eliminating racial inequality in America, we must also recognize that, to the extent that change is possible, it is more likely to occur in education than in any other sector. This is because, despite its faults, public education remains the most democratic and accessible institution in this country. In fact, in the post-welfare reform period, it is all that remains of the social safety net for poor children. Moreover, though the number of cases is small, there are schools where no achievement gap exists, and there are students who achieve at high levels despite the incredible odds against them. These bright spots of success provide us with a window through which we can examine what might be possible if we lived in a society that truly valued children and was genuinely committed to equity and high-quality education for all.

We are living in a time in which politicians recognize that the public is deeply concerned about improving the quality of education. There could be no better time at which to raise issues related to inequality in funding and the need to focus upon expanding educational opportunities as a way of reducing social inequality. Clearly, public opinion on these issues is divided, and few politicians will dare to even raise these issues. But for those who believe that education can serve as a source of hope and opportunity, the time is ripe for making our voices heard so that this historic opportunity is not missed.

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2 THE UNDISCOVERED COUNTRY

Ranging Views of
Possibility in Race and Policy

“To the undiscovered country ...the future.”

**– Klingon Chancellor Gorkon
character in Star Trek:
The Undiscovered Country**

As a hard core trekkie, I often find deep meaning in the stories of Star Trek. The quote above is taken from a scene in the movie’s portrayal of the first painful steps of two warring societies toward alliance. In many ways, the terrain we have yet to discover—the future—will be as much about new alliance building as it will be about the battles we face just over the horizon. According to the authors that follow, we will not have the luxury of simply reacting to each new draconian measure as it comes down. We must anticipate the future, thinking globally, and prepare for the best—and worst. (ed.)



RACE-ING CLASS AND GENDER [AND NATION]

Reconciling the Either Or

CHANDRA TALPADE MOHANTY

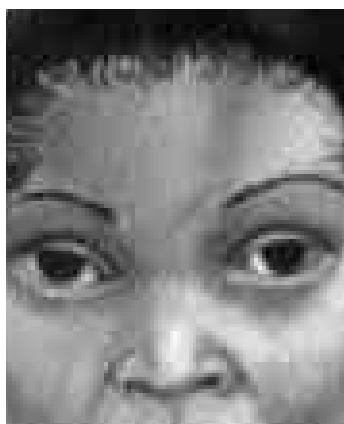
I'm going to share some thoughts on how to connect these analytic categories—how to think about them, and how I think about them. First, I'm going to tell you a little about myself. I'm a bit uncertain, as this is actually a new context for me. I'm a bit more used to a more narrowly focused grassroots, community organizing context, or more academic audiences. So, this is new. You'll forgive me if I use some language that might not, perhaps, be the currency here. You can always ask me questions afterwards. Sometimes it is good to get somebody to reflect back in a different language.

I grew up in India. I grew up as part of the post independence (post 1947) generation. So I grew up with a lot of stories of anti-colonial struggle, independence and liberation. I also grew up immersed in a number of different languages and cultures. I think I retain within my mind, my psyche, my consciousness the possibility of multiple languages and cultures, which in fact, has something to do with the fact that I end up being incurably optimistic in many situations. When people around me are saying, 'What the hell are you talking about? Why are you doing this sort of work?' There is something about how I grew up, where I grew up, what I keep in mind—a generosity of vision that is important to me.

I went to school in very urban, largely cosmopolitan places in India. I taught high school girls in Nigeria for one year after graduating from a university. I decided that I didn't know how to teach and needed to learn how to teach and mistakenly thought I should get a Ph.D. in education in order to learn how to teach. I decided also that in order to have some influence, I needed to teach much younger children. So I came to this country and did a Ph.D. in early childhood education. Interestingly enough it was my degree in education that made me run away from the field of education as fast as possible.

I'm joking but I'm also serious. This tells you something about the way education, the way Ph.D. programs in education are organized in most institutions here. They didn't teach me about what I wanted to know about decolonization; about how you actually think about these issues. Conceptually, decolonization has been a very important frame for how I grew up and how I taught. I speak of decolonization at all levels with the fundamental one being one of the psyche, of the mind, of knowledge. Why did I know British history better than I knew my own community history, which is Maharastrian—which I still know very little about? It takes me a long time to read in my own mother tongue. I came to the university with questions like that, which my formal education did not answer at all. And my Ph.D. in Education didn't make me a good teacher. It was the practice of teaching itself that made me a good teacher.

I moved into Women's Studies (that's what I teach now) because it was a place where I could actually do a number of the things that I could not do in education. In the last few years I've circled back into education via women's studies. This is where I have been able to ask some of my most radical questions about political education, anti-racist education and feminist pedagogy, etc. So that's sort of where I am academically. I'll leave it at that.



I'm going to say a little about what kinds of frameworks are important to me and how I think about the world through them. A lot of my work is centered around Third World women and feminism. The organizing that Third World women have done in Third World countries and the work that women of color have done both in terms of critical thinking and organizing in this country and other countries.

So what does it mean then to talk about a framework of intersectionality or of intersections of race, gender, class, and for me, nation. Nation is always the category that gets left out. I think this is sinful to leave it out in this day and age. And what does that mean? Quickly, what does nation mean? When people say nation, in this country, it is assumed to be elsewhere—America just is. Nation is always out there; some other country. Actually, what it means to integrate nation—the idea of the nation—into your own analysis and your own framework, is doing two things: 1) it is to always keep up front what it means to be a citizen of the United States of America. So, to always raise the question of US citizenship is a way of talking about nation in your analysis or the way you think or read the world. And 2) it is to take an anti-imperialist stand. Anti-imperialism is very significantly related to anti-racism or anti-sexism for that matter.

I have to say I've heard very little about sexism all day today. It is very interesting that while we do this very important and complicated thinking around race, we are not making the same connections around gender at all. And so, why is this important?

Race, class, gender and nation are all relational categories. They're all about relationships. They are not things that are embedded in you. So race is not something that is embedded in brown people. Gender is not something that is embedded in women. Gender is about relationships among and between men and women, women and women, women of different classes, men and men. It's about all those things. So it's a relational concept. In the same way as race is relational. So race isn't embedded in me, gender isn't embedded in me, class isn't embedded in me. But a history of colonialism, racism, sexism, and also of class privilege—my own class privilege—is involved in my relationship to both people of color and white people. See the difference between the two?

So, because these are relational categories, if we only focus on one and leave out the others there are certain important histories, experiences, and knowledges that are being misconstrued or erased altogether. That's why it becomes important to keep all these things going at the same time, which is of course not an easy thing to do. So, do I operate in the world as if I was a woman? Of course, but not just that. I am a woman of Indian origin, now living in the United States. I am an immigrant of a certain middle-class educated background, now living as an academic, and facing all kinds of strange stereotypes. By the way, let me tell you, I don't fit the regular "Asian woman" academic image. Especially since I'm in women's studies. I'm not quiet. I have radical politics. I'm actually anti-capitalist (not to mention socialist). God forbid. So, I do not fit those stereotypical images, but I experience gender, race, class, and nation simultaneously—my identity evolves through these experiences.

This doesn't mean that we don't sometimes separate race, gender class, and nation analytically in order to see certain things more clearly. Yes, we do, because it makes sense. But it doesn't automatically translate into the fact that, in doing our analysis just to clarify certain things, we leave everything out about how we actually think; how we read the world; how we think about social justice or change; how we all view transformation. It seems to me that doing this analysis is about seeing the shifts and mystifications of power. That's why we do this analysis. Why do we actually talk about these concepts and relate the way these concepts and systems interrelate? It's because one of the things we want to do is to see how power has shifted and mystified and re-mystified



itself. Privilege works by making itself invisible—by making it possible for us to ignore the intricate workings of power. Most people don't have that privilege; the ability to *not* see power because we have to live with the consequences of those systems that operate simultaneously on our lives. And so doing this kind of analysis is about making power, hierarchies, injustice visible in our everyday lives and in the way we interact with all the different institutions that we are a part of—educational institutions, the labor force, the media, and so on.

And I'm saying it in this way because this is also how I understand theory. Theory is not some way-out-there, abstracted thing which only certain academics have access to, and because they have access to and can use big words, only talk to each other about. Theory is actually something that is profoundly necessary, which everybody engages in. It is important because what theory does is it allows us to make connections between seemingly unrelated experiences—and therefore, the kind of theory we have, the kind of framework we use, is very crucial.

Exclusionary frameworks lead to exclusionary ways of seeing the world. Exclusionary ways of seeing the world mean that you don't have a comprehensive or accurate picture of what's going on. When you strategize for change, you have pieces that are missing in that picture. Making these relationships—race, gender, class, and nation—more visible provides, I believe, a comprehensive, more accurate diagnosis of injustice. Making these relationships visible makes it possible to pay attention to the realities of the lives of some of the most disenfranchised communities in the world. If you didn't make these things visible you wouldn't be able to pay attention to their lives.

Let me give you an example, to go back to John Samuel's example [a presentation on the Dalit struggle for human rights] from this morning. He gave an example of a woman who was called a prostitute. It's not an accident that she was a woman. The kind of language that was used was profoundly gendered, was profoundly about hierarchies that were not just about caste and class but also about gender. And it was not an accident that one of the people who defended her was an older woman as well—and that the men didn't. If we understood this story purely in terms of caste or class, we would miss an entire dimension to the story.

Another example comes from Hunter Cutting's presentation this morning about the two Latino men who were accused of the murder of their comrade who was in fact murdered by a white man. Now, it is very interesting that he talked very eloquently about the race cut on this and how it is very, very crucial that we make race an issue. Yet, it is also interesting that no discussion of masculinity came up. He talked about the fact that these two men were demonized by accusations that they were members of gangs. It seems to me that that is a very obvious space for the definition of Latino masculinity. So, the question is what would the analysis be if we actually used a gendered and racialized lens to analyze that situation? Would it add something? Would there be some way in which we could strategize differently? I don't know. I'm throwing it out as something that might be done in order to actually address the somewhat obvious things that are out there.

Now you can say to me, 'but it's much better or clearer to fight along the race line.' The reason it's important to focus on how to understand the lives of some of the most disenfranchised communities in the world boils down to what do we actually mean when we talk about a just and democratic society? It seems to me that a just, ethical and democratic society is one that's judged by how it treats its most disenfranchised citizens. That's one criteria, isn't it? And if you don't have that criteria how do you raise questions of ethics anyway? It is not about how the society treats the Bill Gates' of our communities. It's really about how it treats the poorest, most disenfranchised communities. If that's the case, we've got to figure out the lenses to understand the specific experiences of this group.



It seems to me that one needs an integrated theory or framework to see the world from the point of view of the most disenfranchised. Often times it happens to be women of color, peasant women, tribal women around the world who are the poorest of the poor. There are lots of statistics around us—how much land we own, how much work we do, the fact that women own less than 10% of the land in the world. So, I guess one of the questions I have for us to discuss would be if privilege is about not seeing and about mystification, would part of what we do when we only focus on race, or only focus on class be also about the privilege that has to do with gender? In other words, is it possible to focus on race, just exclusively on race, or exclusively on class? Does that mean that there are some other privileges that we have which we do not notice? For women of color, it is mostly impossible to forget that you are a woman. Perhaps sometimes we do forget because that's the only way we survive sometimes, but for poor women of color it is almost impossible. For men of color? I don't know. Perhaps it more possible to forget they are men. This is a question. In other words, is that consciousness—the consciousness of gender—is there something skewed about the consciousness of gender within our own communities?

The reasons some of these issues are important are because they in many ways are about the politics of knowledge. This is how we know what we know, and the fact that how we analyze the world has enormous consequences for the knowledge we produce, the knowledge we empower ourselves with, the knowledge we have access to, etc. Exclusionary knowledges and ways of seeing and interpreting the world affect the way we understand social and political reality and also how we understand the position of different communities of people in the social pattern. It also clearly affects the way we fight for equity and social justice. Therefore, developing these frameworks, it seems to me, is not just about inclusion because we feel bad for somebody; somebody is left out and we feel bad, so we're going to include them. Or women are not part of the thing. That's too bad. We wring our hands and say, 'lets include them.' That's bullshit. It has nothing to do with that. It has to do with what your conception of justice is.

If you are really are honest about equity and social justice then you have to start thinking about the transformation of your own framework, of your own ways of thinking in order that people are included, so that people come along with you. Now, I don't have to say this to a group of organizers who have done this for work for many, many years. I know that this is something that's always hard for me in academic settings. I actually think of myself as an organizer within the academy which is, at times, a contradiction in terms because often you have to figure out when you are inadvertently carrying out the master's will, etc. So, it's an odd thing. It doesn't mean that I do not think the academy is a place of struggle. I think it is enormously crucial to do this work within this space because this is where a lot of young people are. But it is very much about transforming how we see, the way we frame and make connections between these issues.

I'm going to end with one example about what it means to talk about the politics of knowledge, and about how we often homogenize and colonize different kinds of knowledges within our own frameworks without actually knowing we're doing this. A simple example of this is to look at the hype around the year 2000. This is the Christian millennium. You remember what happened around the year 2000, all the parties, celebrations and such. This was the "big moment". So, the year 2000 then is the Christian millennium. It's also the year 5760 according to the Hebrew calendar. It's 1420 according to the Arabic calendar. It is 6240 according to the Egyptian calendar, and it is 4677 according to the Chinese calendar. And it was just another day according to Oren Lyons, the Faithkeeper of the Onandaga Nation in New York! Something to think about, huh?



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BRAVING THE NEW WORLD: RACE AND TECHNOLOGY

“Afrofuturism: Beyond the Digital Divide”

ALONDRA NELSON

When race and technology are mentioned at the same time in the public sphere, the discussion usually turns quickly to the so-called “digital divide.” This well-worn catchphrase has been used by academics and journalists alike to refer to distinct gaps in computer access and technological literacy in various contexts including gender, age and region. However, most often, well-intentioned policy experts and reformers deploy this phrase to describe the disparity in technological access that exists between white and Asian Americans and other Americans, and to bring attention to profound inequities that have far-reaching implications for the poor and communities of color. To be sure, it is critical that we are mindful of how inequity is reconfigured in the ever-changing dynamics of our capitalist society, and the digital divide discussion is one attempt to do so. Unfortunately, this axiom has become the only way we think about race and technology together. Much like a short-cut key on a computer keyboard, it is shorthand for myriad social problems and economic inequities that will never be solved by providing free computers and technical training alone.

Despite this reality, government and business leaders continue to tout the liberatory possibilities of computer technology. At a press conference earlier this year at which President Clinton announced tax incentives for businesses that provide computers for low-income communities, he predicted that new technology and universal connectivity would remedy a myriad of social ills. He argued that technology promised to “link children and adults to a lifetime of learning,” “provide access to distant medical care,” “empower parents,” “assist job-seekers,” “enhance safety” and “foster economic development.” And because “digital divide” and “low income” are public policy code words for communities of color, President Clinton’s sentiments could also be read as tacitly promising the erasure of racialized social problems like unemployment and poverty. The Clinton administration has constructed new technologies as the singular engine of social progress and the singular solution for social well being, and in the process, the complex of factors that contribute to the proliferation of social inequality is masked.

In a similar vein, Jesse Jackson and William Kennard, the African American Chairman of the FCC, have identified this hi-tech gap as the civil rights problem of the 21st century. However, these leaders have failed to link this technological disparity to the pre-existing civil rights challenges that have been carried over from the 20th century. As a result of this failure, they are unable to understand the historical roots of contemporary African American attitudes around technology. Historically, technology hasn’t always been a friend to black people. Anthony Walton, in an *Atlantic Monthly* essay called “Technology Versus African-Americans” writes,

“The Black community has had one negative encounter after another with the technological innovations of the mainstream... As a group, Blacks... have suffered from the uses of technology in ways that other groups have not.”

Walton reminds us that technological oppression can be found throughout African American history from the navigational tools that made the transatlantic slave trade possible to the cotton gin



that drove the plantation industry. In addition, there was the mind-and-body-numbing technology that awaited us in factories after the Great Migration, the COINTELPRO surveillance of brown and black activists in the 1960 and 70s and most recently, the displacement of black and brown laborers in the post-industrial economy. Although I reject the absolutist relationship that Walton sets up—African Americans *versus* technology—he does shed light on some of the reasons why people of color, especially African Americans, might be less apt to uncritically embrace new technologies. The digital divide rhetoric is a denial of this past, a failure to recognize this history and its implications. The novelty of the World Wide Web, the Internet and new media technologies too often cause us to falsely assume that we have no precedents in the histories and experiences of black and brown people for understanding the tech gap beyond the digital divide. In the words of the British cultural theorist Kobena Mercer, we are too inclined to “hit the delete key of popular memory.”

This rhetorical and historical vacuum is filled instead with contemporary facts and figures like the Commerce Department’s “Falling Through the Net” report which tells us that:

- Black and Latinos families are 2/5ths as likely as white families to have Internet access;
- 29.8 percent of white Americans are connected to the Internet at home, compared to only 12.6 percent of Latinos and 11.2 percent of Black Americans;
- less than 50% of white families across income have computers in their homes.

[This last statistic is surprising because from the media hype and public debate about the digital divide, one might think that greater numbers of white Americans have access to technology. We may want to talk about this more, but I’ll just briefly say that the very companies that the Clinton administration looks to stop the tech gap have played a role—via marketing and advertising—in creating the perception that everyone has technology, feeding anxieties among those who don’t have it that they are missing out and thus bolstering the hi-tech economy.] Without denying the importance of this well-meaning report and others like it for providing a picture of where things stand, I want to suggest that one of its effects is the creation of an oppositional relationship between race and technology. After the figures have been tabulated, these questions linger: who’s falling through the net? What’s wrong with them? Why can’t they catch up? How can we help them get with the 21st century? Brown and Black people are characterized the obsolescent casualties of a hi-tech world with which they can’t keep pace because they lack the necessary “hardware.” Performance artist Guillermo Gómez Peña paraphrases such attitudes with regard to Latinos. With raw honesty, he reminds us of how they are stereotyped as technologically inept. He writes:

The mythology goes like this: Mexicans and other Latinos can’t handle high technology, caught between a pre-industrial past and an imposed post-modernity, we continue to be manual beings—homo fabers par excellence, imitative artisans (not technicians)—and our understanding of the world is strictly political, poetical or metaphysical at best but certainly not scientific... We often feed this mythology by assuming the role of colonial victims of technology... This simplistic binary world view presents Mexico as technologically underdeveloped yet culturally and spiritually overdeveloped and the United States as exactly the opposite.

As Gómez Peña reveals, the dynamic we too often call the digital divide is in fact a matrix of historical, cultural, social and economic factors. Thus, any truly effective strategy to bridge the tech gap must simultaneously: 1) address the deep-seated stereotypes about the limited intellectual acuity of Blacks and Latinos; 2) deploy a cultural politics that can provide counter-narratives about race and technology; 3) confront varied histories of technological oppression; and 4) critique the corporate-driven reductionism that asserts that social equality follows from the ownership of technological artifacts.



One way of thinking about race and technology *together* that sidesteps the zero-sum game of the digital divide is an alternative paradigm we might call AfroFuturism. AfroFuturism is a critical perspective that opens up inquiry into the many overlaps between technoculture and Blacks' diasporic histories. This perspective not only remembers the history of technological oppression but also looks to legacies of technological innovation.

The term was first used in a 1993 essay by Mark Dery called "Black to the Future." Dery identified "African American voices" with "other stories to tell about culture, technology and things to come," and in so doing, irrevocably shifted the then just emerging discourse on technoscience and cyberculture by questioning the universality of existing theoretical claims. Dery located these "other stories" in comic strips, science fiction, contemporary music and art. These counter narratives can also be found across the realm of popular culture—in jazz, hip hop and techno music and imagery; in experimental film; in the three and four dimensional worlds of graffiti art, in the technological re-functioning of low-rider car customization; in the cut and mix aesthetic of digital photography. In addition, we also have an (often under-appreciated) tradition of inventors and scientists of various ilk including the conjurers and herbalists of the African continent, the ancient architects of West Africa who used fractal geometry (see Ron Egalsh's *African Fractals*), the alchemist and beautician Madame C.J. Walker, and the biologist E. Everett just to name a few. I provide this far from comprehensive list not to continue in that tradition of trumpeting black greats but to assert that African Americans (and Latinos) have a thriving technoculture. These examples are models of cultural expression and cultural production that offer alternative starting points for re-theorizing the history and impact of technology. This is critical because what is lacking in digital divide rhetoric are the voices of actual people talking about why technology matters to their African American experiences and their Latino lives.

AfroFuturism will not mend the digital divide, but the insights such a perspective can provide are a necessary partner to activism and social critique. With these insights in mind, I suggest the following strategies for mending the tech gap (or moving beyond the digital divide):

- Deploy cultural politics to uncover and celebrate the technological innovations of communities of color;
- Discover our "usable past". Understand the histories of technological oppression in the U.S. and colonial settings so that we can prevent history from repeating itself;
- Don't be afraid to use technology in our activism as a tool of liberation;
- Develop anti-racist and anti-capitalist critiques of the digital divide through theory and activism. (For example, the Clinton administration has initiated the ClickStart project, a voucher system that provides low cost computers and software to poor communities, but the program requires that these folks be subjected to banner advertising. We must demand that federally sponsored programs don't come with such strings attached. If corporations get tax incentives, low-income recipients should not be subject to corporate marketing schemes.);
- Demand that computer access for schools, libraries and community technology centers come with technicians, trained-teachers, and up-to-date and culturally relevant software. As activists, we need the technical sophistication and training so we know what to ask for when we're writing grants, meeting with politicians, or helping to shape policy;
- Don't believe the hype. The new problem of the digital divide is related to the age-old, and still unsolved problems of racism, poverty and illiteracy. In fact, it is a symptom of them.



How we frame this challenge is as important as the issue of technological access itself. I don't want to call a moratorium of any of the initiatives that would bring resources to the poor, especially those that would help to provide jobs and job training for our communities. Rather I just want to encourage us all to think critically about the two words—digital divide—that have become the only thing that comes to mind when we think about race and technology together.

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BÉYOND THE DIGITAL DIVIDE

A Brief Consideration of Emerging Economies, Technology, and Racial Justice

MAKANI N. THÉMBA-NIXON

This is not a paper. It's a snapshot using words. It's a light scratch at deep matters in hopes of providing a departure point for discussion. The changes highlighted here are, of course, only the latest manifestations of cycles and other historical phenomena that have long been with us.

Technology is indeed the double-edged sword. It is often bridled into service of oppression. It is also an indispensable tool for organizers. Those of us on-line are able to communicate almost instantly, create our own media more cheaply, and communicate to thousands of people who are wired in a very short time. Still, I avoided considering the positive aspects of the emerging economies in order to cut this thing down to a reasonable reading length. I also avoided issues receiving (relatively) significant attention in the media (like the digital divide).

Key questions we should consider concerning new economies and public policy:

What public policy work should we undertake today that can help build power to better intervene in these trends?

How can we leverage the current interest (in the media and elsewhere) in technology to raise issues of inequity and get it on the public agenda?

How can we split the “corporate interest” coalition in order to advance our agenda?

As corporate decision-makers increasingly have no ties or allegiance to localities (given their global nature), the public sector will more often become the “doable” target. Yet, government as a provider of services and a regulator of business is under attack by the private sector and their allies. What does it mean to hold institutions accountable in this context, and how do we do it?

How do we bring the “race cut” (i.e., bring up issues of racial inequities and racial justice) to this discussion without invoking stereotypes of unprepared or unqualified “minorities”?

fifteen minutes into the future...

That's how the old sci-fi series *Max Headroom* started as an eerie warning that the stark inequalities, the ubiquity of media that were hallmarks of the show would soon be present-day reality. The future is sneaking up on us and, like most good sci-fi, it will have both elements of the new and familiar.

There really is an emerging knowledge economy. It seems like a bunch of hype on its face but the “knowledge” economy is rapidly moving to center stage. And it has distinct features that we should pay attention to. Of course, this doesn't mean that there is no more industrial economy. When we moved into an industrial economy, there were still farmers and hunters and gatherers— it's just a question of emphasis and power. That's why I use the term “economies.” Here are a few things I think are worth considering:

Value is more important than cash or its equivalent. Now that “the market” (loosely speaking) is the primary arena where businesses are appraised and financed, the key criteria for business success is the value of its name and stock prices. The AOL/Time-Warner merger occurred with only



the exchange of value. The perceived value of AOL was greater than the perceived value of Time-Warner, therefore AOL could “buy” Time-Warner using its “higher valued” stock.

Companies, of course, do everything they can to raise their value. They cut jobs, struggle to innovate at a faster and faster rate, they invest more resources in advertising and acquiring “partners” that bring added value to their portfolio. A beer company will buy a bottling company, for example, not just to bring down costs of production but to leverage its control over a certain part of the market to assure that its shareholders get added value.

Another way that companies add value is through advertising and promotions. More and more of our personal space is crammed with messages from the market. Our computer screens, our clothing, our commutes, our schools, our sports arenas now feature ads.

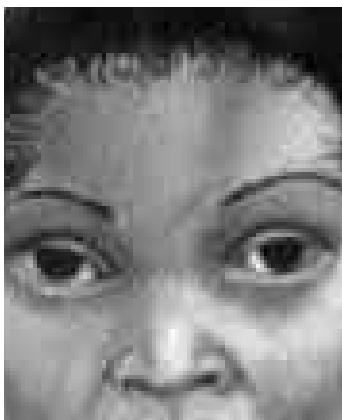
Ads increase the value of names, of brands. A cotton shirt that says “Fruit of the Loom” is valued at, say, \$4.99. A cotton shirt that says “Tommy Hilfiger” is valued at \$90 (not the bootleg version at the flea market, of course). There is not that much difference in the cost of making each shirt. It is the value added by name recognition and association that makes the difference.

The creation of jobs is not important. In fact, business is more ruthless in eliminating jobs and shifting most available profit to shareholders and executives today than in previous periods. While government officials talk about companies as mechanisms for job creation, “cutting edge” business administration, and management theory and practice stress efficiency and “smartsizing,” not reinvestment and growth. There is regular, consistent inventory of jobs to be eliminated or converted to automation that is *institutionalized* as a part of the process. Layoffs are so commonplace, they no longer even warrant bad publicity in mainstream papers.

Those jobs that are created, that are non-management and not tied to stock options, tend to decrease in real value over time. Government salaries and benefits (below upper management) are now better than the private sector—a phenomenon that began to occur in the late 1980s and has stayed steady since. The fact that government jobs now tend more often to be unionized plays a role in this to be sure, but it says a lot about what communities can expect from which sector with regard to quality job creation.

The focus on information and innovation requires different systems, different gauges of value, and government is changing to accommodate it. Knowledge is exponential, meaning that whatever new thing is invented today, that knowledge will make the next thing even easier/faster to develop. Further, unlike in the older economy, where the scarcer something was the more valuable it was, the opposite holds true in this formation. The most common example is the fax machine. The first one meant little. The second one raised the value of the first and so on. How much money made on each unit “sold” is less important than the perceived value of the company and its domination of the market. That is why companies will “give away” so much merchandise to acquire market share versus higher profits per unit. The key is to get as many people wanting to use the information/ product as possible for it to be of greater value to investors. Total saturation of the market means greater value. Therefore, companies compete to be the standard or dominant “medium” of the trade.

Of course, monopoly has always been a tendency of capitalist formations. However, we are in a period where (like when the auto industry and telecommunications industry emerged in the early part of the 20th century) government is so enamored with the potential growth of the information economy that it is dismantling the old regulatory framework designed to (somewhat) arrest monopoly development. This makes mergers and acquisitions more profitable, collaboration and formal trade formations more frequent across broader segments of industry and geography. And these more monopolistic associations form with the blessing and even financial support of government.



Companies are collaborating more not only around production and market control but to more effectively control the public agenda (media, public opinion) and policy. The private sector has steadily been increasing resources devoted to propaganda and lobbying to revamp the regulatory infrastructure in its interest. Further, private sector interests are not limiting their efforts to business regulation. They have increasingly involved themselves in the social policy arena. In short, we are not just fighting other nonprofit entities and ideologues. It will take more thoughtful use of media, better collaboration, and more targeted efforts on our side to effectively split/ do “damage” to this larger coalition.

With rapid changes in knowledge come rapid changes in sectors or “industries.” The current way of organizing waged workers by sectors (health, railway workers, etc.) will be difficult if what people do for a living is changing more rapidly. Work is becoming more specialized and detailed and made obsolete at a rapid pace. In short, today’s skilled worker will become tomorrow’s unskilled worker at a much faster rate than previously. Last century’s autoworker got three generations of employment out of the sector. It is doubtful that too many sectors will support such a large number of people with the same skills for so long.

Ironically, cities and states are moving to what they call “sector based” development where they are investing major resources to attract today’s “growth” sectors (i.e., biotechnology). It is much like the “development in a box” strategy that has local governments looking for the next big thing (like an auto factory) to save their economies. As sectors change more rapidly, workers and governments will be scrambling more frequently for the next job panacea—and often will be left in the lurch.

Offices are getting smaller. There are more “virtual” collaborations where workers don’t see each other as often. More people telecommute from home. And more people are contract workers, who have tenuous relationships with their employers and no benefits. It’s important to note that not only are skilled, high-paid workers increasingly working on contract or from home, but low-wage workers are, too. Big information conglomerates (like Microsoft) have few jobs compared to the dominant companies of the industrial heyday. Companies like GM and Bethlehem Steel created cities around them with the sheer size of their labor force. They changed the entire nation’s demographics. Today’s conglomerates have puny workforces by comparison. Yet, they are behemoths in the value (assets/stock/profit) category. New forms of organizing workers are emerging that go beyond sector and workplace organizing. Some of our partners are among the folk advancing this work. We should examine these forms, see what we can learn, use, and replicate.

So why should we care about this?

Public policy regulating business has shifted dramatically to accommodate this value-driven economy. Since the 1980s, laws like “fiduciary responsibility” that make it illegal *not* to provide shareholders with the greatest amount of value (even if it means cutting jobs and worsening a local economy) have created a legal infrastructure that narrowly defines “corporate accountability” as accountability to shareholders.

The race to create value is moving companies into the “Third World” (domestically and abroad) in search of lower wages and higher productivity—especially in those sectors that must produce concrete “stuff” (as opposed to cool and “innovative” information). Companies that seek cheap labor are moving production to urban and rural spaces that receive little legal surveillance and where residents have little agency. Garment and other small-scale manufacturing sweatshops are examples of businesses that flourish in communities where there is public and private divestment.

Federal policy is increasingly marginal to economic processes as cities compete one-to-one for business on an international level. It’s not U.S. policy versus Brazilian policy. San Francisco is



competing directly with Sao Paulo. Although there are international, quasi-official formations (like WTO) that play some role, *many of these deals/policies are made by local commissions appointed by local elected officials with no accountability to the public.* Little has been done to intervene in this process at the local level. In fact, local governments discourage public access to the process because *part of the value they hope to deliver to companies is non-interference.* We must identify concrete strategies/campaigns to turn this around.

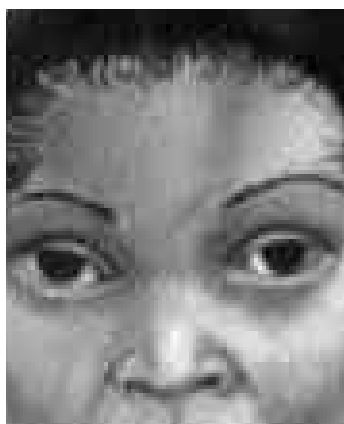
How will value be shared? The old economy was already unfair, to say the least, but the increasing gap between those who supply the labor and raw materials and those who add the “brand” and value to products is growing even more. People picking cotton in Fresno or sewing patterns in Chinatown should have a greater share in the value of their labor when it becomes a Hilfiger or Karan “creation.” Given the fact that many of these companies contract out and disavow any knowledge of the oppression associated with production, and even the standard, legal compensation is meager, what would a policy infrastructure look like that brings about greater equity in how profits are shared?

People of color (including Asians) are the first to get hurt by shifts in the economy and the last to recover when times are better. People of color have always been victims of changes in the economy. However, rapid changes mean more suffering and more often. What does workforce development and job training mean in an economy that will see major shifts in what jobs are available every 10–20 years? Public education is becoming more “vocationalized” in communities of color. By *vocationalized* I mean education that is narrowly focused on a particular job like math for bank tellers as opposed to algebra or geometry, or making college preparatory classes available, etc. How will our kids fare in an economy that requires life-long learning, flexibility,, and access to the social networks that create and assign value (and therefore jobs)? What use are workfare interventions like specialized job training focused on *today’s* growth sectors in keeping folk employed long-term? This makes demands for four-year education for recipients and other supports for post-secondary education even more critical.

Private sector shifts are forcing sweeping changes in the education system. Universities are changing (as they always have) to adapt to these new realities. The result is that colleges and universities are collaborating even more with corporations to provide the knowledge and specialized training the private sector needs. Other forms of knowledge that take up resources but do not serve the private sector’s interests, like ethnic studies, religious studies, and philosophy, are even more de-emphasized. Schools are combining or eliminating courses, majors, and specializations in these areas and expanding course offerings that meet private sector and job demands. The private sector is becoming increasingly vocal about K-12 education as well. They are working hard to remake schools to meet their present-day business needs with, generally, little concern for the development of our children.

These shifts will also mean changes in the geographic centers where jobs (that don’t require very low-wage workers) are located. If trends hold true, jobs on the domestic front will continue to go to predominantly white areas with good public infrastructures (schools, roads, universities, hospitals, etc.) that are seeking replacements for job sectors that have become obsolete. As the move to suburban industrial parks has already shown, proximity to urban centers doesn’t mean as much to business in this period.

In fact, a company’s location is now part of its public perception value. In advertising and promotion, *there are companies leveraging the whiteness of their location in order to associate their brand with the “positives” of being far from the colored urban center.* Gateway’s use of cow



imagery to leverage its location for branding is just one example. This increases the value of whiteness even more with regard to a company's location. Discrimination against urban centers in the location of businesses is considered logical, standard business practice. To compete in this environment, communities of color are dropping their wages, standards, and regulatory infrastructure. Businesses that respond to these incentives are too often the kinds of industries that thrive on less public infrastructure (e.g., sweatshops, liquor stores, low-end retail, etc.). There must be another policy frame that begins to address these issues and goes beyond tax credits and incentives.

The private sector and public sector have united to break/remake all of the previous covenants about employment and responsibility. To support and nurture these new economic formations, government has waived the “new deal” agreement with business that some taxes would be used to (meagerly) maintain the low-wage labor pool as a surplus, to keep employer selection up and wages down. Further, the implied agreement that, through taxes, government would pay the cost of low-wage workers’ benefits with programs like Medicaid is also off. This appears to be a move to reallocate billions of dollars in social spending and make the money available for private-sector investment through:

1. direct federal spending as research and development grants and tax incentives;
2. assuming liability for new technologies (for example, the federal government is carrying billions of dollars of insurance if anything goes awry with genetic technology); and
3. increasing the circulation of money for loans and capitalization of business by cutting the deficit so the money supply will not be increased (and supposedly creating value and inflationary pressures).

We can't let them have it both ways—low taxes, low wages, and no safety net for those left to their whims. We have to figure out how to more creatively demonstrate that the economy sucks for too many of us (regardless of the Dow); and that most service-sector jobs that are being created require government subsidy at least (health insurance, food and housing support) if workers are to survive. Of course, the fight for better wages and benefits from employers must continue if people are to make it beyond the bare necessities.

We can't depend on their data and their interpretation of the conditions. The disconnect “regular people” feel from the rosy picture of near full employment on TV belies the reality. There are poor whites that feel abandoned by the economy and are creating militant formations (since they are under less surveillance than most communities of color) that manifest their fear and anger. Their targets are often “ethnicized” (Jews, immigrants, people of color with managerial jobs, gays, etc.), but it's clear that they understand at some level that the economy is not working in their interest—and they are right.

In communities of color, policies designed to control and incarcerate the increasing numbers of unemployed or marginally employed are proliferating. It feels like there is a chute from high school to prison in many of our communities—and it's increasingly difficult to tell the difference between the two.

We have to do a better job of tracking the economic relationship to the oppression with real data and information. Then we have to translate that information into *stories* of righteous indignation, injustice, and concrete ideas (policies) for turning it around.



IDEAS FOR POLICY RECOMMENDATIONS

1. Get the Department of Labor (Statistics) to develop a bi-annual report that tracks poverty, race, and opportunity. The parameters for this report would be developed by a progressive, diverse advisory group that includes people from organizations with low-income members and leadership.
2. Develop a model “sunshine” law for “local trade commissions” that requires public disclosure of their activities and some sort of impact/analysis of deals they make with our issues (wages, security, tax revenues, hiring practices, etc.) in the foreground.
3. Support initiatives that provide state-supported higher education (four year and beyond) for low-income and displaced workers as a job preparedness strategy without penalty with regard to benefits or entitlements.
4. Link with other corporate accountability groups to advance greater regulation of the private sector.
5. Enact regional tax base sharing so that suburban communities share their revenues across a region to support the cities they benefit from.

PLANNING FOR THE FUTURE:

A Quick Overview of Technological Trends We Cannot Ignore

There are some major technological breakthroughs (both recent and coming) that will have a major impact on our work. Here are few to consider:

Nanotechnology. This is the technology of making things very, very small. Most of the hype around it has focused on making very small circuitry for computers, but there is other research looking into the creation of products from atoms. It’s hard to conceive but experts predict that we are ten years away from “growing” complex products like guitars, containers, paper, building materials even food from atoms. In this process, a technician literally drops the atom-sized mixture into a prepared environment and within a short time, these atoms “grow” into the product. Of course, this could have positive effects on the environment in some cases. It will also radically alter the “relevance” of most of the world to the global economy as the need for certain raw materials and the labor to create products from them are eliminated.

On the more ominous side, nanotechnology is also being developed for weaponry use. Atom-sized weapons that, combined with biogenetic technology that will be able to target only certain kinds of people, cause mutations in a wide range of organisms and animal life (including humans). Policy is way behind in this arena as there are few international agreements or rules about the development and availability of this technology.

Surveillance technology. Our communities are increasingly under surveillance. Cameras on street corners, the capturing and sharing of personal data are all part of a larger infrastructure that enables the monitoring of people like never before. More and more people of color are amassing arrest records due to oppressive laws and a reinterpretation of the Constitution that enable arrests and detainment with little or no evidence. These records, available to police and others with a click of a mouse, will increasingly color interactions with law enforcement, employment prospects, schools, and others.



Today (in most towns) if a kid is pulled over, the first thing a cop will do is check to see if he has an arrest record—whether or not it led to detainment or conviction. Journalists are advised to check if (usually working class) sources have criminal records (the databases are public) and use that information in their stories. And arrest (not conviction) records have been admitted as evidence in criminal proceedings if the charge was “relevant” to the matter before the court.

As schools in communities of color remake their disciplinary structure in the image of police, more kids will have arrest and conviction records for what used to be only disciplinary code infractions. Schools are having kids arrested, handcuffed, and taken to juvenile facilities (sometimes on campus) by uniform police officers in front of their peers as official discipline policy. Dress code violations receive the same level of intervention as fighting. In short, what used to be “teaching moments,” where adults would instruct kids and then continue the educational process, are now crimes with real penalties resulting in increased negative personal data, surveillance, and restriction of freedom for kids of color.

DNA and gene work. Related to surveillance are standards of evidence for conviction. People are now getting convicted on DNA evidence alone. Fighting such “evidence” will require more than a public defender. Defendants will need scientific experts and serious cash. And guess who gets tried more often and has neither?

This technology also has profound implications for the food we eat, child policy, adoption, white supremacy, standards of beauty, and more. Think about this: Companies are copyrighting entire gene pools of blond, blue eyed people (like one company “owns” the gene pool of the entire country of Iceland) to be able to supply whites with the start-up ingredients for “more desirable” blue-eyed babies. There are pharmaceutical companies that “own” the entire gene pools of certain small human, “animal,” and plant communities in the Amazon and other parts of the Third World for the making of drugs. The ethical issues are astounding. The issues of economic exploitation are complex. Of course, there are way more issues to think about, like genetically modified food sources or biological and/or gene-based weapons as described above. It all just boggles the mind. Yet, one handle to consider is that there is little organizing to hold the academy (universities) and corporations accountable for this mess they are creating.

Virtual reality, artificial intelligence, and robotics. The virtual reality of tomorrow will be much more advanced than the quirky graphics of today. Virtual reality environments are currently being tested for shopping, hiring (they try you out in the virtual environment and make that your interview), job training, and more. The worlds being created for habitation in cyberspace (especially in the entertainment sphere) will likely reinforce the stereotypes and exacerbate the “digital divide.” Unfortunately, the depictions of people of color (and women for that matter) and their treatment as characters in this world will not advance at the same pace as the technology.

Artificial intelligence is based on the intelligence that those who do the programming believe is important to “download” into the machine/computer/device that will use it. There are real issues as to what constitutes the “intelligence” being programmed. Most of the cultural information that has been given value is (surprise) decidedly Eurocentric. In other words, in these devices the dominant world as we know it is re-created except there is no alternative in that sphere like there is in the “real world.” Further, techniques like racial profiling and other biased probability approaches to law enforcement, credit approval, etc., are key tenets of this technology.

It is estimated that by 2025, “smart robots,” or robots capable of independent or “human” decision-making and information processing, will be a reality. Not only will this new generation of beings have the capacity to take on complex tasks, they will be able to reproduce themselves, their



experience, and their intelligence at a rapid rate—and even surpass our ability as humans to master complex tasks soon after. These devices are created mostly to take on jobs currently held by humans at mid-level management or lower—precisely where most people of color break out of poverty and move into the middle class. They are also designed to take on traditionally low-wage, repetitive jobs (garment work, telemarketing, janitorial and factory work) where chances of injury are high and the need for accuracy is great another segment of the labor force with significant numbers of people of color. In addition, serious moral questions are being raised about a new class of “beings” with the capacity for independent thinking, although not flesh and blood, that are required to work without compensation or have free will. (Yes, there are folk studying these issues. One could only wish they put as much energy into studying the oppression of human beings...)

THE END OF WORK AS WE KNOW IT

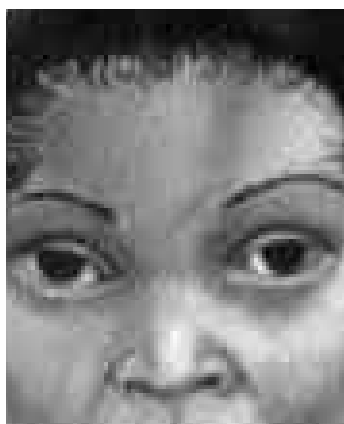
All of these coming trends and more raise a critical challenge for those of us organizing against poverty: *If one's livelihood is tied to employment, meaning, if we must earn our living through work, then what will become of us who cannot work?*

If we as a society answer the question as we've always answered it, we are in serious trouble. Millions more will suffer if we don't figure out how to mount a successful movement to make basic needs (safe housing, food, clothing, quality education, services, etc.) a right and not simply a consumer good for those who can afford it. It is time for all of us undertaking some aspect of anti-poverty work to identify ways that collaboratively take this fundamental question on. This will require:

1. willingness to develop a *systemic* analysis of the economy and why poverty exists;
2. clear view of racial and gender dynamics (historically and in the present) that explains why poverty is racialized and gendered and avoids stereotyping and victim blaming;
3. understanding of globalization, migration patterns, and the distribution of wealth;
4. consistent monitoring of technological trends and their impact on our constituencies; and
5. commitment to long-term planning that projects at least 25 years ahead.

This project will not fit neatly into regular three-year funding cycles. This project must be proactive because reacting will come too late. This is a project of self-examination and stocktaking in which each of us and our organizations must participate. We must understand what's at stake. And we must let the “powerful others” know that we will not allow them to forge our future without us.

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TRIPLE BURDEN

Cultural identity, natural resources and community self-rule of tribals in India¹

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“How can you buy or sell the sky, the warmth of the land? The idea is strange to us.” That was how Chief Seattle commenced his letter to the President of the USA in 1854, when the US government wanted to take over the common property resources of the indigenous people of America. And though his words were spoken 150 years ago, and have been repeated so often, they are still the most touching response to the dehumanising tendencies of a modernised world.

The organic relationship between cultural identity, the ecosystem, natural resources and community self-rule is most evident in the lives of tribal communities. There is an inherent contradiction between the communitarian value system of the adivasis (the first settlers) and the individualistic value system of modern power structures.

In India, tribal communities account for almost 8 per cent of the total population with a rich, creative and diverse socio-cultural spectrum. But these communities have been condemned to remain in the backyard of Indian history as kiratas, girijan or vanvasis. Such an erroneous perception of tribal communities as savages and wild people was perpetuated by the mainstream. It helped them displace tribals from their systems of livelihood. The government of India is yet to recognise the indigenous status of tribal communities, although historically they have been considered the first settlers of the subcontinent. The middle class response to tribal communities is either to romanticise their traditions or to attempt to “civilise” them.

So on the one hand, we have a set of academicians and activists who eulogise the great virtues of the tribal traditions and imply that tribals should remain in splendid isolation as museum pieces, and on the other, we have activists and organisations that patronise the struggles of adivasis.

Over the last 20 years, there has been a growing political self-awareness among the adivasis of India as they struggle to reclaim their human dignity, habitat and political space. There is a new resurgence among the people on the periphery to assert their cultural identity and to negotiate change based on cultural autonomy and self-rule. Their struggle for survival and dignity is crucial at a time when the state is trying to mortgage or sell natural resources like forests, land, minerals and water to big corporations and international financial institutions.

It is the adivasis who bear the brunt of most big industrial, mining and development projects primarily meant to ensure the comfort of the middle class. The modern development paradigm has not only robbed them of their dignity but also eroded the very basis of their livelihood: resources such as forests, land, minerals and water. The striking convergence between tribal areas, forest

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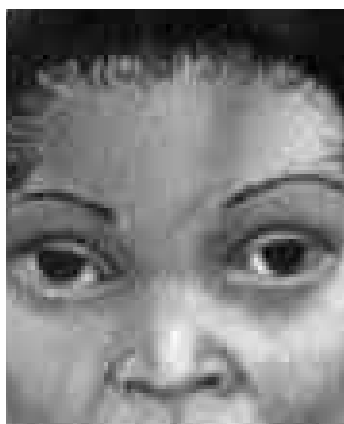
cover and poverty-stricken areas of India is not an accident of history. When adivasi communities are thrown out of their natural habitation the name of industrialisation — sanctuaries, forest projects and big dams— the very fabric of their socio-cultural life and political identity is fragmented. The multiple displacement from land, livelihood and culture forces them into the wretchedness of bonded labour or the miseries of urban slums. While cutting off their lifeline, the establishment ironically chooses to showcase tribal songs, dance and dress codes.

The government doesn't seem to realise that the cultural identity of the adivasi communities is intrinsically linked to the natural environment and historical context. The political identity of adivasis cannot be divorced from their cultural identity and control over natural resources. Usurping their rights over natural resources jeopardises their culture and very survival.

The questions of cultural and political identity can be better understood in the historical context. The relationship between the adivasi communities and the more dominant stream of society changed with the changing character of the mainstream political system. Up to the medieval period, adivasi communities living in vast tracts of relatively inaccessible forest area co-existed with established states and empires. Populations with different levels of material development and cultural perception could live in harmony without impinging on each other's territories and resources. The adivasi communities remained outside the caste-based mainstream Hindu society and there were no organised efforts to integrate adivasi communities into mainstream Hindu society. However, wherever there was more interaction between adivasis and the outside world, there were instances of them gradually being co-opted into caste-based society. The untouchable castes Cherumar and Panyar in north Kerala are examples of such co-option of adivasi communities into the lowest strata of the caste hierarchy. Mainstream Hindu society did not bother much about the social and cultural separateness of adivasis. This co-existence might have been facilitated by a lack of population pressure and lack of any particular economic incentives in depriving adivasis of their land and forests.

However, the centralised colonial regime extended its control over the regions endowed with natural resources. To exploit these natural resources and earn revenue, the British established an administrative machinery that existed in sharp contrast to the socio-cultural ethos and livelihood pattern of the adivasis. In the virtually unadministered areas, traders and moneylenders established local vested interests under the protection of the British administration. Along with these traders and moneylenders, new settlers succeeded in acquiring large tracts of common property resources and the lands of adivasis. The active marginalisation of tribals by an oppressive state machinery and an exploitative trade-moneylender-feudal nexus began in the first half of the 19th century and was accelerated after the British left India. Recommendations for reforms in numerous reports prepared by British civil servants and later the government of India could neither arrest the rampant violation of their dignity and rights nor stop the growing alienation of the adivasis from their livelihood systems and cultural identity.

The response of the diverse adivasi communities has varied from local resistance against the might of the colonial forces to a meek withdrawal into the deep forests and hills. As the adivasis were forced to give up their subsistence patterns, they were reduced to landless labourers bonded to the new upper-caste settlers. In the Dhanbad area of Bihar, adivasis were reduced to bonded labourers in the first half of the 19th century. The British mining companies made their situation worse. Moneylenders became suppliers of adivasi labour to the tea gardens in Assam and mining companies in central India. In the North-East, where the British did not have immediate interests in the comparatively inaccessible natural resources, they devised a system of administration that left the local adivasi communities such



as the Nagas, Garos and Mizos alone to run their local affairs. The forest and other natural resources, once considered community resources, were forcibly taken over by the British administration through a series of legislation such as the Forest Act of 1865 and 1878 and the Forest Policy of 1894. Overnight, the adivasis lost their ancestral and traditional rights over forestlands.

The resultant poverty, malnutrition and indebtedness paved the way for the earliest resistance to the colonial powers in India. Amongst them were the resistance of adivasis during the Santal Rebellion of 1855–56 against dikhus (non-tribals or foreigners), the Bhil Rebellion in Khandesh, and the Rampa rebellion in East Godavari district. Various Mizo and Naga tribals went on head-hunting raids against the hegemony of the alien state machinery.

Though there was some sympathy from Christian missionaries and British civil servants, the incremental reforms were always overshadowed by the British interest in exploiting natural resources. The efforts of missionaries like Lievens and John Baptist Hoffman and anthropologists like Verrier Elwin helped to highlight the problems of the tribals. But they were not enough to make a substantial impact on the well-entrenched process of marginalisation and exploitation.

After Indian independence, the marginalisation of adivasi communities continued, notwithstanding the lip service and token developmental programmes of the government. The Nehruvian policy towards tribals was strongly influenced by Verrier Elwin. The Tribal Panchsheel became the guiding principle for tribal development in India. The Constitution provided a framework for the socio-economic development of tribals.

Article 46 of the Constitution required both the central and state governments to prevent the exploitation of tribals and promote their development. Though such a policy was progressive in spirit, the government response made little difference to the marginalisation of tribals. On the contrary, adivasi communities were systematically displaced in the name of industrial projects, big dams and mining operations. The tyranny of forest officials and moneylenders increased. Though political parties consistently paid lip service, particularly in states like Madhya Pradesh, Bihar and Orissa that have a substantial adivasi population, the adivasi communities were systematically uprooted from their land and forests.

The diversity of adivasi communities spread across six regions and the fragmentation of their cultural identity stood in the way of the emergence of a pan-Indian political mobilisation of adivasis. Unlike the more politically organised dalits, therefore, the adivasis have no political bargaining power at a national level. This situation is fast changing with a new political awareness and a sense of solidarity among adivasi communities across India. The resurgence of adivasis is being spurred by the increasing displacement caused by the new liberalisation policies and the development paradigm.

The process of multiple displacement has been highlighted by the recent social mobilisation against the Narmada Dam Project in the western region, Koel-Karo, Netrahat and Subarnarekha in the east. The struggle against land alienation in different parts of India, and local resistance against mining in Orissa, Andhra Pradesh and Madhya Pradesh signify a resurgence against the new forces of marginalisation. More than 90 per cent of around 500 coal mines are in the adivasi area. The new mining projects promoted by the big transnational corporations will further marginalise the adivasis. The various forestry projects like the Madhya Pradesh forestry project, funded by the World Bank, will displace hundreds of thousands of adivasis from forestland. Almost 40 per cent of the displaced people in all the development projects are adivasis. As a result of the new bout of alienation, adivasi communities across the country are increasingly realising the need for social and political mobilisation.



The work of social action groups in the last 20 years has helped build a sense of dignity and social consciousness among the adivasi communities. Some of the best examples of voluntary social action initiatives in the last 20 years are among the adivasi communities. The attempt of social action groups to build up awareness and solidarity, coupled with people-centred advocacy to influence public policies, brought the adivasis' struggle for survival to the centre of political discourse. Successful advocacy campaigns and grassroots mobilisation succeeded in advancing the New Forest Policy, the Scheduled Caste and Scheduled Tribe Atrocities (Prevention) Act of 1989 and the implementation of the Bhuria Committee recommendations for tribal self-rule. The positive impact of non-party political processes is manifested most in the emerging resurgence and solidarity among the adivasi communities across the country.

Tribes living in an extremely underdeveloped stage

Andhra Pradesh	Lingadhari Koya, Chenchu, Yenadi
Assam	Mikir, Abores
Bihar	Birhor, Asur, Korwa, Kharia, Sauria, Paharia
Karnataka	Kadu-Kuruba, Jenu Kuruba, Koraga, Irular
Kerala	Kadar, Irular, Paniyan, Kattunayakan, Vishavan
Madhya Pradesh	Pahari Korwa, Baiga in Baigachuk, Abuj Madia (Bastar), Birhor, Sehariya, Binjhar
Maharashtra	Katkari, Hill Gond (Chanda district)
Orissa	Birhor, Bonodo Proraja, Juang, Kotia-Khond, Hill Bhuiya of Bhuiya Pirh, Lanjia Saora, Koya, Paidi Bhuiya of Bonai
Rajasthan	Sehria
Tamil Nadu	Kadar, Irular, Paniyan, Malayali
Uttar Pradesh	Raji
West Bengal	Asur, Birhor, Sauria Paharia, Toto, Rabha, Lepcha
Andaman & Nicobar Islands	Jarwa, Onge, Sentinelese, Shompen

LEGAL AND CONSTITUTIONAL PROVISIONS RELATING TO TRIBALS

The colonial policy of non-interference in the life and thinking of tribals kept tribals away from the prevailing trend of socio-economic development, resulting in a wide gap between tribals and non-tribals in the economic and cultural aspects of their life. After India's political independence in the light of the spirit of the Constitution, Jawaharlal Nehru laid down five fundamental principles to be followed in relation to the development of tribals in India. These principles, popularly known as the Tribal Panchsheel, guide the government in matters relating to tribal administration.



Tribal Panchsheel

- 1) People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage them in every possible way to develop their traditional arts and culture.
- 2) Tribal rights in land and forest should be respected.
- 3) We should try to train and build up a team of their own people to do the work relating to their administration and development. Some technical personnel from outside will no doubt be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
- 4) We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through and not in competition with their social and cultural institutions.
- 5) We should judge results not by statistics or the amount of money spent but by the quality of human character that is evolved.

Constitutional Provisions

The following are some of the constitutional provisions relating to tribals:

- Article 14 ensures individuals equality before the law and equal protection of the laws in the country, hence nobody, including tribals, can be deprived of any protection or benefits under the law.
- Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Thus, it ensures that there will be no discrimination against tribals. Article 15 (4) permits the State to make any special provisions for the advancement of Scheduled Tribes (STs) in addition to other socially and economically backward classes of society. Seat reservations for STs in matters relating to education fall in this category of provisions.
- Article 16 deals with equality of opportunity in matters of public employment. It does not provide anything specially for STs, but clause 4 of Article 16 permits the State to make laws relating to matters of public employment for members of the STs if they are not adequately represented in that category of employment.
- Article 19 ensures freedom of speech, expression, assembly, and movement to the citizens of India. However, under clause 5 of this Article the State can impose reasonable restrictions on the general public with the objective of protecting the STs.
- Article 23 prohibits traffic in human beings and forced labour including bonded labour. This provision is important from the point that many tribals are living as bonded labourers.
- Under the Directive Principles of State Policy, Article 38 places a duty on the State to strive to secure a social order minimising inequalities in status, facilities and opportunities to individuals.
- Article 39A ensures free legal aid. The inequalities arising out of access to justice can be eliminated by free legal aid.



- Article 46 guides the State to promote the educational and economic interests of STs and protect them from social injustice and all forms of exploitation.
- Article 330 and Article 332 ensure to the STs reservation of seats in the Lok Sabha and in the legislative assemblies of the states respectively.
- Article 342 ensures incorporation of tribes or tribal communities as Scheduled Tribes. The Scheduled Castes (SCs) and Scheduled Tribes Orders (Amendment) Act, 1976 provides for inclusion or exclusion of tribal communities from the list of SCs and STs.
- Article 244 provides for administration of Scheduled Areas and Tribal Areas. The Fifth Schedule and Sixth Schedule are to be read with this Article.
- Article 275 of the Indian Constitution ensures that the states will receive grants-in-aid from the Union to meet the costs of such schemes of development that will promote the welfare of the STs in that area.

Legal Provisions

The Bonded Labour Systems (Abolition) Act, 1976 provided for the identification, release and rehabilitation of bonded labourers.

With the amendment of the Constitution in 1990 the National Commission for SCs and STs was constituted. This Commission investigates and monitors all matters relating to the safeguards provided for them. The Commission has the authority to conduct inquiries, write reports and make recommendations as to the measures for the effectiveness of the implementation of the safeguards. The Commission enjoys all the powers of a civil court. The union and every state government must consult on all major policy matters affecting the SCs and STs.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for special courts for the trial of offences committed against members of SCs and STs. The Act imposes a duty on the government to ensure effective implementation of the Act.

The National Forest Policy evolved in 1988 has specific provisions relating to the rights of the tribals living in forests.

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