

# **Report of the U.S. Programs Race and Marginalized Populations Working Group**

**May 3, 2012**

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**Working Group Co-chairs:** Sherrilyn Ifill and Raquiba LaBrie

**Board and Staff Members:** Geoffrey Canada, Steve Coll, Monique Dixon, Shawn Dove, Diana Morris, Bryan Stevenson, Jane Sundius, and Nkechi Taifa

**Outside Experts:** Janis Bowdler, Director of the Wealth-Building Policy Project, National Council of La Raza; Bill Hing, Professor of Law, University of San Francisco and Professor Emeritus, University of California, Davis School of Law ; Cristina Jimenez, Managing Director, United We Dream Network; Randall Kennedy, Michael R. Klein Professor of Law, Harvard Law School; Ted Shaw, Professor of Professional Practice in Law, Columbia Law School; Ruy Teixeira, Senior Fellow, The Century Foundation and Center for American Progress; and Maya Wiley, President, Center for Social Inclusion

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## **Questions to be addressed at the U.S. Programs May Board Meeting:**

What refinements would the Board propose to the following preliminary and overarching goals to strengthen open society for racial minorities and other marginalized groups in the U.S.?

- Articulate and amplify a 21st century narrative that affirms the continuing need to remedy racial inequality;
- Promote new models of democratic participation and credit the multiple ways in which members contribute to society, including by advancing the idea of a membership society; and
- Encourage the development of a new multi-racial, inter-generational social contract to prepare for America's future as a majority-minority nation with growing numbers of young people.

Are there specific marginalized groups U.S. Programs should target?

What would the Board consider to be success in addressing open society concerns for racial minorities and other marginalized groups in the U.S. by 2025?

The Race and Marginalized Populations working group<sup>1</sup> has embarked on an ambitious plan to lay the intellectual foundation for U.S. Programs' future grantmaking in the areas of race and marginalized populations. The group's ultimate aim is to help the U.S. Programs Board and staff identify targeted goals and strategies to improve conditions faced by people of color, immigrants and other marginalized groups. This memo outlines the working group's process, discussion topics, areas of consensus and contention, preliminary goals, and remaining plans and unanswered questions.

## **I. Process and Discussion Topics**

To date, the group's process has consisted of five discussions supplemented by review of select readings<sup>2</sup> and consultation with outside experts. The working group debated a number of broad questions and issues, including the following:

***Within the areas of race and marginalized populations, what are the two or three most urgent open society issues?***

Like other working groups, the Race and Marginalized Populations working group began with an open-ended question that asked members to identify urgent open society issues related to race and marginalization in the U.S. With this question, the co-chairs sought to test our assumptions and to solicit the fresh ideas of working group members. In responding, the working group devoted significant attention to the challenges associated with talking about race in the current political climate and addressed the need to develop a new narrative that conveys the need for continued attention to race and racial inequality (discussed in greater detail immediately below). Urgent policy issues identified by the group included the educational achievement gap, incarceration, immigration, economic inequality, and concentrated poverty. The group discussed the importance of alliance-building with other marginalized groups, including the white working class and lesbian, gay, bisexual and transgender (LGBT) people. The relative effectiveness of structural and individual analyses of racial inequality was the source of some debate.

***How can we promote constructive, truthful dialogue about race in U.S. public life? What narrative can succeed in generating cross-racial support and communicate the continuing need to remedy racial injustice?***

The working group regularly returned to two questions related to how race is discussed in the public sphere. First, a number of working group members noted how difficult it is to have a sustained conversation about race without encountering race fatigue or accusations of race-baiting or reverse racism. While President Obama's election is widely regarded as a powerful symbolic marker of racial progress in the U.S., it has had the perverse effect of aiding opponents of open society. Forces that have waged deliberate and long-standing efforts to deny the significance of racial disparities and promote colorblind policies use Obama's achievement to justify their position. Having made the flawed calculus that any discussion of race will compromise his presidency, Obama inadvertently plays into the hand of race deniers by consistently side-stepping the issue.

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<sup>1</sup> A list of working group member bios is attached.

<sup>2</sup> Bibliography is attached.

Second, the group discussed the challenge of developing a racial narrative that resonates broadly in the U.S. today. During the civil rights movement, a racial narrative rooted in the values of equality and opportunity gained traction in large part due to the fact that the U.S. was on the upswing. Today, in a period of economic contraction, it is harder to advance a narrative calling for equality and opportunity for people of color when people of color *and* whites are experiencing economic, political and social dislocation.

***How do we create a membership society in which all members are treated as assets who are worthy of society's investment and who will contribute to strengthening society?***

A core premise of the working group is that an open society is one in which all people, no matter their race, ethnicity, gender, sexual orientation, national origin or faith, are able to participate as full members in society. As demographics shift, the group questioned how to facilitate the inclusion and participation of growing numbers of people of color and immigrants in the U.S., many of them young. Maya Wiley recommended promoting the idea of a “membership society.” Membership would not rely on conventional notions of citizenship but on an expansive view of how individuals contribute to strengthening the social fabric and improving democratic practice.

The working group recognized that a narrow emphasis on increased minority political representation and voting power to facilitate membership would be insufficient. Two considerations were significant. First, the U.S. civil rights movement's focus on black electoral success has not necessarily resulted in more responsive government or hoped-for changes in blacks' material conditions. Second, even with rapidly shifting demographics, it will take many decades for minorities' representation among voters to match their share of the total population or for minorities to become a majority of the electorate.

The group also discussed the so-called “gray and brown generational mismatch” theory put forward by Dowell Myers, Manuel Pastor and others. These mismatch theorists predict an increasing tension between aging whites who are resistant to increased public spending versus growing numbers of young people of color and immigrants who not only value but require government investment in education, health, and safety net programs to facilitate their social mobility. Manuel Pastor, professor of geography and American Studies at the University of Southern California, joined us for this discussion and described the need for what he and other thinkers refer to as a new multi-racial, intergenerational social contract. This social contract recognizes the “mutual self-interest of different groups and our interdependency as we move forward into the future.”<sup>3</sup> Pastor also emphasized the importance of promoting a relationship between black and Latino communities that is not “transactional” in nature (e.g., mobilizing black support for the DREAM Act). Instead, effective alliances must be based on a transformational relationship in which blacks and Latinos collaborate on everyday issues and communicate in ways that provide room for addressing tensions and conflict.

***When we call for racial justice, what do we want?***

Building on the consideration of shifting demographics, the group arrived at the following questions: “What do we want? What is the end we are seeking?” In response, working group

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<sup>3</sup> Dowell Myers, *Immigrants and Boomers: Forging a New Social Contract for the Future of America* (Russell Sage Foundation 2007), p.178.

members identified full employment, comprehensive immigration reform, education reform, and equitable public infrastructure investments as desired policy outcomes, as well as the development of a framework for productive, public discussions about race. They described a range of “hearts and minds” approaches to encourage dialogue and understanding across racial groups. The group also highlighted need for strong institutions in communities of color and marginalized communities.

### ***What is distinctive about young people’s analysis of race and marginalization?***

The working group had a robust discussion with three youth advocates: Rickke Mananzala, the former executive director of FIERCE; Kierra Johnson, the executive director of CHOICE USA; and Cristina Jimenez, the managing director of the United We Dream Network and a working group member. All three speakers made the point that young people of color identify on the bases of multiple identities, including, but not limited to, race, gender, immigration status, and sexual orientation. They argued that their multiple points of identification facilitate alliance-building across communities. One example offered was a successful effort to challenge stop and frisk policies in the West Village of New York City. This effort united homeless LGBT youth of color and straight black and Latino males – all of whom were police targets. Working group members questioned whether youth views on race and marginalization were transitory or reflected a “new order.” The speakers argued that a new order was underway; silos between groups and issue areas are collapsing and progressive advocates are approaching their work in a more integrated way. The group recognized that the question of racial identity is only one facet of how young people understand race. For example, data marshaled to inform our discussion revealed that young people are able to identify specific areas in which race has particular, ongoing salience.<sup>4</sup>

### ***How do we address the ways in which race and class are pitted against one another?***

In the conversation with youth advocates, one speaker cited survey results in which some respondents identified class or socioeconomic status as a greater cause of disparities in accessing reproductive health services than race. This led to a rich discussion about whether and why these young people may regard class as more of a barrier to opportunity and access than race. Working group members acknowledged that there are many reasons why economics, as opposed to race, may be regarded by some young people as the driver of inequality. One reason is that in some instances it may be empirically true. Another is that for people who live extremely segregated lives, race becomes less salient. They do not see the broader frame of race because their day-to-day encounters are uni-racial. It is also important to note that some youth may not understand the historical link between racial inequality and concentrated poverty. Several members agreed that there remains a powerful impetus to deny the significance of race in this society. Some of this reticence is driven by the successful advancement of “colorblindness” as an ideal. One working group member maintained that among racial justice advocates and their

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<sup>4</sup> In a report by U.S. Programs grantee, the Applied Research Center, young people were asked, “In which of the following areas of society, if any, do you think racism is still a significant problem?” Latinos and blacks identified criminal justice, employment, and education. Asians identified criminal justice, employment, education, and housing. Whites identified criminal justice, employment, and housing. Apollon, Dominique. *Don’t Call them “Post-Racial”* Applied Research Center, June 2011.

allies there is also, at times, a countervailing impulse to deny the significance of class in driving unequal outcomes.

## **II. Areas of Consensus and Contention**

The working group reached rough consensus on the following:

- When asked what they want, the group's top three responses were quality jobs or full employment, education reform, and immigration reform. The elimination of explicit racial discrimination in housing, employment, etc. was also identified. There was a critical mass of respondents who called for hearts and minds approaches to cultivating understanding across groups and honest, constructive dialogues on race.
- There is a persistent framing challenge in seeking to explain racial inequality. On a related note, the group agreed that we must consider the audience when discussing race. We cannot make assumptions that there is a common understanding of terms such as "racial justice" or "racial equity."
- We have lost an effective way or never had an effective way to talk about race in public life. There is a need for a new racial narrative that resonates in today's political and economic climate. The group also identified the need to identify circumstances when leading with race may close off the development of allies and shared movement on key issues of common concern.
- Cultivating mutual self-interest across groups is a pre-condition for the development of a durable open society.
- Relying on voting and increased political representation of people of color and marginalized groups is not sufficient to achieve greater participation in society.

The following areas generated greater debate:

- At times, there was debate as to what constitutes a racial issue. For example, although many in the working group cited high unemployment rates among people of color as a problem they would like to solve, one member questioned whether that was a racial problem or a problem with a racial dimension. Another member saw unemployment as an "opening bid" that lays the foundation for addressing other problems that disparately impact people of color and marginalized groups. When the question arose as to the strategic value (or lack thereof) of characterizing unemployment as a racial problem, members noted that it's impossible to solve a problem such as unemployment without taking race into account. Since slavery race has been central to labor and employment. Today, there are actual and perceived tensions between blacks and Latinos related to competition for jobs. Furthermore, past experience has demonstrated that a one-size-fits-all approach to employment that fails to account for race does not work. And even sound

universal policy is vulnerable because open society opponents will use race as a wedge to prevent it (e.g., Affordable Care Act).

- While the membership society idea generated considerable interest, there was no consensus on how to justify or define membership. Members of the group struggled with the question of whether mere physical presence in the U.S. makes one a “member” of the society. It was noted that there may be a sliding scale of membership. Even someone who is here for an hour is entitled to some membership responsibilities (non-violence) and privileges (emergency medical care, police protection). These may be fewer than those required of, or demanded by, citizens.
- The group delved into whether promotion of the membership society idea would be served by attempting to reclaim the frames of citizenship or being an American. Some argued that these frames were too narrow and limiting. One member noted that creating a path to citizenship for undocumented immigrants is a central aim of the immigrant rights field, but citizenship alone will not guarantee that immigrants will be engaged in their communities or turn out to vote.
- Some in the group questioned the effectiveness of publicly advancing a structural analysis of racial inequality. Others argued there have always been two strains of thinking when it comes to race – one focused on systems and structures, and the other on personal accountability. Many appeared to agree that the two approaches are not mutually exclusive and that there is a way to develop a narrative that accounts for these nuances.

### **III. Preliminary Goals and Policy Priorities**

In approaching the development of preliminary goals for U.S. Programs’ grantmaking in the areas of race and marginalization, the co-chairs weighed a few factors. First, race intersects with virtually every aspect of U.S. Programs’ work. Thus, although in certain contexts, racial discrimination stands alone as its own issue, attention to race must be woven throughout all aspects of U.S. Programs’ work.

Second, a number of working group members identified economic equity, with a focus on achieving full employment, and criminal justice as critical racial justice concerns. Given that these issues are being taken up by the Economic Equity and Justice Working Groups, we did not devote significant attention to them with one exception – racial profiling. This dichotomy exemplifies the point that race is necessarily implicated in discussions of economic equity, the public sphere, criminal justice, and so on. Our discussion of racial profiling identified this as a singular and powerful form of discrimination that cuts across class, age, geography and educational status. While racial profiling by law enforcement may be the most pernicious form of this discrimination, the group noted that racial profiling exists in a variety of contexts including, but not limited to, school tracking, school suspension practices, mortgage lending and housing, and national security.

Based on the dynamic working group debates, the co-chairs identified the following preliminary and overarching goals to strengthen open society for racial minorities and other marginalized groups in the U.S.:

- Articulate and amplify a 21<sup>st</sup> century narrative that affirms the continuing need to remedy racial inequality;
- Promote new models of democratic participation and credit the multiple ways in which members contribute to society, including by advancing the idea of a membership society<sup>5</sup>; and
- Encourage development of a new multi-racial, inter-generational social contract to prepare for America's future as a majority-minority nation with growing numbers of young people.

What remains is for the co-chairs and relevant U.S. Programs staff to decide which policy priorities are best positioned to advance the above-listed goals. The policy priorities offered by the working group include:

- Ensuring full-employment in the U.S. and access to quality jobs for marginalized people;
- Expanding access to quality education for low-income children of color, with attention to specific issues such as class size, teacher quality, and after-school programming, as well as broader civil rights concerns related to school segregation and the school-to-prison pipeline;
- Anticipating demographic shifts by supporting immigrants' and young people's economic and political advancement;
- Promoting equitable infrastructure investments in areas such as housing, broadband access and transit;
- Combating racial profiling; and
- Increasing enforcement of anti-discrimination laws in housing, credit access, zoning, employment, criminal justice, etc.

#### **IV. Next Steps**

The working group co-chairs and relevant U.S. Programs staff will use the summer to refine overarching goals, narrow the list of policy priorities, and refine strategies. Although the working group did not have sufficient time to explore strategy development, members endorsed the strategies of investing in healthy institutions in marginalized communities and promoting inter-racial dialogue and alliance-building efforts that are not merely transactional. The co-chairs plan to work with the Public Sphere and Economic Equity working groups to address the cross-cutting policy concerns related to employment and the ways in which lending practices, housing discrimination, zoning, and public allocations for infrastructure affect the economic stability of and opportunity for marginalized communities.

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<sup>5</sup> This goal should be advanced in coordination with our Public Sphere initiative.

It should be noted that during the course of the working group process, the co-chairs attended an OSF convening of Native Americans leaders and activists. A dynamic array of concerns were advanced at that meeting which demonstrate that there is a ripe opportunity for advancing the economic, educational and infrastructure needs of Native American tribes. What emerged from the discussion was the clear sense that Native American issues are unique and may require approaches and emphasis that differ from our core work in the areas of race and marginalization. The co-chairs recommend the creation of an advisory group that will include Board members, staff, and outside experts to guide our thinking about how best to promote open society values and protections for this vulnerable population.

Beginning in May, the working group will hold small-group discussions and internal forums devoted to the following: new immigrants' views on race; race and educational equity; race and gender; and race and sexual orientation. Staff will work to refine policy priorities and propose grantmaking strategies based on the framework and goals articulated by the Board and working group; scan funders working in proposed policy areas to confirm U.S. Programs' unique role; explore how national, and city and state strategies can be brought to bear on issues of race and marginalization; and recommend models for measuring progress and defining success.

Finally, the co-chairs will meet with Sandra Dunsmore, Regional Director of OSF's Latin America Program, to deepen our understanding of racial dynamics in Latin American countries sending immigrants to the U.S. We believe this knowledge will be useful as we consider how to promote cross-racial alliances between Latin American immigrants and native-born people of color in the U.S.

## **V. Questions for Board Discussion**

The working group co-chairs request the Board's responses to the following questions: What refinements would the Board propose to the following preliminary and overarching goals to strengthen open society for racial minorities and other marginalized groups in the U.S.?

- Articulate and amplify a 21st century narrative that affirms the continuing need to remedy racial inequality;
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Are there specific marginalized groups U.S. Programs should target?

What would the Board consider to be success in addressing open society concerns for racial minorities and other marginalized groups in the U.S. by 2025?

We look forward to receiving the Board's feedback and questions.



**Open Society Foundations – U.S. Programs**  
**Race and Marginalized Populations Working Group**  
**Member Biographies**

**Janis Bowdler, Director, Wealth-Building Policy Project, National Council of La Raza**

Janis Bowdler is Director of the Wealth-Building Policy Project at the National Council of La Raza (NCLR), the largest national Latino civil rights and advocacy organization in the United States. The Wealth-Building Policy Project aims to close the racial wealth gap by promoting fair financial and housing markets where Latino families have the opportunity to be well-served and routinely build wealth, maintain life-long financial security, and pass their assets to the next generation. In her role as Director, Ms. Bowdler leads a team dedicated to research, advocacy, and policy analysis issues that affect the financial security and opportunities of Hispanic families.

Ms. Bowdler works closely with NCLR’s senior leadership to expand the organization’s visibility and impact in the areas of housing, banking, community development, and consumer protection. She routinely serves as an expert witness before Congress and federal policymakers and as a spokesperson with media. Ms. Bowdler has authored a number of publications on Hispanic homeownership and access to financial opportunity, including her most recent report *The Foreclosure Generation: The Long-Term Impact of Foreclosures on Latino Children and Families*. She is a featured blogger at Huffington Post, Rooflines, Univision, and Mom’s Rising. She sits on the boards of the Poverty & Race Research Action Council, Raza Development Fund, and the Fair Mortgage Collaborative.

Prior to her work at NCLR, Ms. Bowdler was a Project Manager at Famicos Foundation, a community development corporation working in the Hough and Glenville neighborhoods of Cleveland, Ohio. She received a Bachelor of Arts degree from Malone College in Canton, Ohio and a Master of Science degree from Cleveland State University.

**Geoffrey Canada, OSF U.S. Programs Board**

In his 25-plus years with the Harlem Children's Zone (HCZ), Geoffrey Canada has become recognized internationally for his pioneering work helping children and families in Harlem and as a passionate advocate for education reform. HCZ targets a 100-block area in Central Harlem with a comprehensive range of services and aims to serve more than 10,000 children. The work of Mr. Canada and HCZ has been featured in the documentary *Waiting for “Superman,”* as well as on *60 Minutes*, *The Oprah Winfrey Show*, *Black in America 2*, *Nightline*, *The Charlie Rose Show*, *This American Life*, and articles in *The Washington Post*, *The Wall Street Journal*, *Forbes*, and *The Associated Press*. Mr. Canada has written two books: *Fist Stick Knife Gun: A Personal History of Violence in America* and *Reaching Up for Manhood: Transforming the Lives of Boys in America*.

In May 2011, Mr. Canada was named to the TIME 100 list of most-influential people in the world. He is a recipient of the following awards and prizes: the first Heinz Award, the Harold W. McGraw Jr. Prize in Education, Child Magazine's Children's Champion Award, the John W. Gardner Leadership Award from the Independent Sector, the 2008 Posey Leadership Award from Austin College, the Heroes of the Year Award from the Robin Hood Foundation, the Jefferson Award for Public Service, the Spirit of the City Award from the Cathedral of St. John the Divine, the Brennan Legacy Award from New York University, and the Common Good Award from Bowdoin College. He has received honorary degrees from Harvard University, Bowdoin College, John Jay College, and Bank Street College. He is a graduate of Bowdoin College and the Harvard School of Education. A third-degree black belt, Mr. Canada is also the founder of the Chang Moo Kwan Martial Arts School.

### **Steve Coll, OSF U.S. Programs Board**

Steve Coll is President of New America Foundation, and a staff writer for *The New Yorker* magazine. Previously he spent 20 years as a foreign correspondent and senior editor at The Washington Post, serving as the paper's managing editor from 1998 to 2004. He is the author of seven books including *The Deal of the Century: The Break Up of AT&T* (1986); *The Taking of Getty Oil* (1987); *Eagle on the Street*, based on the Pulitzer Prize-winning account of the SEC's battle with Wall Street (with David A. Vise, 1991); *On the Grand Trunk Road: A Journey into South Asia* (1994), *Ghost Wars: The Secret History of the CIA, Afghanistan and Bin Laden, from the Soviet Invasion to September 10, 2001* (2004); *The Bin Ladens: An Arabian Family in the American Century* (2008); and *Private Empire: Exxon Mobil and American Power* (2012).

Mr. Coll's professional awards include two Pulitzer Prizes. He won the first of these, for explanatory journalism, in 1990, for his series, with David A. Vise, about the SEC. His second was awarded in 2005, for his book, *Ghost Wars*, which also won the Council on Foreign Relations' Arthur Ross award; the Overseas Press Club award and the Lionel Gelber Prize for the best book published on international affairs during 2004. Other awards include the 1992 Livingston Award for outstanding foreign reporting; the 2000 Robert F. Kennedy Memorial Award for his coverage of the civil war in Sierra Leone; and a second Overseas Press Club Award for international magazine writing. Mr. Coll graduated Phi Beta Kappa, Cum Laude, from Occidental College in 1980 with a degree in English and history.

### **Monique L. Dixon, OSF U.S. Programs Staff**

Monique L. Dixon, J.D., is the Deputy Director of Programs and the Director of the Criminal and Juvenile Justice Program of Open Society Institute-Baltimore. She is responsible for assisting with the oversight of grant making, advocacy and technical assistance activities of OSI-Baltimore's core programs. She also develops, monitors, and evaluates criminal and juvenile justice funding strategies for OSI-Baltimore, which seeks to reduce the overuse of incarceration as well as its social and economic costs.

Prior to joining OSI-Baltimore, Dixon served as senior staff attorney at Advancement Project in Washington, D.C., a non-profit civil rights organization. In that capacity, Dixon assisted multi-racial and multi-ethnic grassroots community organizations, lawyers, and public officials throughout the country with community-centered policing, education, voting rights, and affordable housing issues. She also co-authored several reports on zero tolerance school discipline policies that lead youth from schools to prisons. Dixon joined the Advancement Project after working with the Public Justice Center—a Baltimore-based, non-profit legal organization. She served as the Center's first Equal Justice fellow where she spearheaded the Center's juvenile justice reform project, utilizing litigation and legislative advocacy to reform Maryland's juvenile correctional facilities.

Dixon, a member of the Bars of Maryland and the District of Columbia, has committed her entire legal career to public interest and civil rights law practice. She is a graduate of the University of Maryland School of Law and Hunter College of the City University of New York.

### **Shawn Dove, OSF U.S. Programs Staff**

Shawn Dove joined the Open Society Institute in May 2008 as manager of the Campaign for Black Male Achievement. He has more than two decades of leadership experience in youth development, education, and community building.

Dove served as one of the founding directors of New York City's Beacon School movement in the early 1990s while working with the Harlem Children's Zone. As creative communities director for the National Guild of Community Schools of the Arts he led a national initiative that partnered community schools of the arts and public housing communities in 20 U.S. cities.

As New York vice president for Mentor/National Mentoring Partnership he initiated a strategic response to the lack of African American and Latino male mentors for New York City's boys by creating a public awareness and recruitment initiative called The Male Mentoring Project.

In 2006, Dove founded Proud Poppa, a publication for African American fathers and is a co-founder of Harlem Men Stand Up, an empowerment project that holds quarterly summits in Harlem. Dove was a Charles H. Revson Fellow at Columbia University in 1993 and received a B.A. in English from Wesleyan University.

### **Bill Ong Hing, Professor of Law, University of San Francisco, and Professor Emeritus, U.C. California, Davis School of Law**

Bill Ong Hing is a Professor of Law at the University of San Francisco and Professor Emeritus, U.C. California, Davis School of Law. He teaches Immigration Policy, Rebellious Lawyering, Negotiation, and Evidence. Throughout his career, he has pursued social justice by combining community work, litigation, and scholarship.

He is the author of numerous academic and practice-oriented books and articles on immigration policy and race relations. His books include *Ethical Borders—NAFTA, Globalization and Mexican Migration* (Temple Univ. Press 2010); *Deporting Our Souls—Values, Morality, and Immigration Policy* (Cambridge Univ. Press 2006), *Defining America Through Immigration Policy* (Temple Univ. Press 2004), *Making and Remaking Asian America Through Immigration Policy* (Stanford Press 1993), *Handling Immigration Cases* (Aspen Publishers 1995), and *Immigration and the Law—a Dictionary* (ABC-CLIO 1999). His book *To Be An American, Cultural Pluralism and the Rhetoric of Assimilation* (NYU Press 1997) received the award for Outstanding Academic Book in 1997 by the librarians' journal *Choice*. He was also co-counsel in the precedent-setting Supreme Court asylum case, *INS v. Cardoza-Fonseca* (1987). Professor Hing is the founder of, and continues to volunteer as General Counsel for, the Immigrant Legal Resource Center in San Francisco. He serves on the National Advisory Council of the Asian American Justice Center in Washington, D.C., and the National Advisory Committee of the Black Alliance for Just Immigration in Oakland.

### **Sherrilyn Ifill, OSF U.S. Programs Board**

Sherrilyn Ifill has been a Professor of Law at the University of Maryland School of Law since 1993. Professor Ifill writes about the importance of judicial diversity and impartiality in judicial decision-making. Her articles about race, judging and judicial selection have led to Professor Ifill's recognition as an expert on these subjects.

Professor Ifill also writes about the history of racial violence and contemporary reconciliation efforts. Her book about truth and reconciliation commissions for lynching, *On the Courthouse Lawn: Confronting the Legacy of Lynching in the 21st Century*, was released by Beacon Books in February 2007. Prior to joining the Maryland faculty, Professor Ifill served as an Assistant Counsel at the NAACP Legal Defense and Educational Fund in New York, where she litigated voting rights cases. Before that, she was a Fellow at the American Civil Liberties Union in New York. During her tenure at Maryland Law School, Professor Ifill has continued to litigate and consult on cases on behalf of low-income and minority communities. Professor Ifill chairs the U.S. Programs Board of the Open Society Foundations, and serves on the boards of the Open Society Institute in Baltimore and the Enoch Pratt Free Library in Baltimore City. She is co-chair of the Maryland Attorney General's Task Force on Voting Irregularities.

### **Cristina Jimenez, Managing Director, United We Dream Network**

Cristina is the Managing Director of the United We Dream Network. She is a co-founder of the Network and served as chair of the Board of Directors. Cristina has organized immigrant youth and workers for the passage of the DREAM Act, comprehensive immigration reform, and pro-immigrant legislation at the local and national levels since 2004.

Cristina co-founded the New York State Youth Leadership Council, was an immigration policy analyst for the Drum Major Institute for Public Policy and an immigrant rights organizer at the Latin American Integration Center, now merged as Make the Road New York. She holds a Master's degree in Public Administration from the School of Public Affairs at Baruch

College, CUNY and graduated Cum Laude with a B.A. in Political Science and Business from Queens College, CUNY. Her awards include the Queens College's Student Activities Award and New York City Council Proclamation for Outstanding Service to the Latino Community. Originally from Quito, Ecuador, Cristina migrated to the United States with her family at the age of 13, attending high school and college as an undocumented student.

### **Randall Kennedy, Professor, Harvard Law School**

Randall Kennedy is the Michael R. Klein Professor of Law at Harvard Law School where he teaches courses on contracts, freedom of expression, and the regulation of race relations.

Kennedy has written five books: *The Persistence of the Color Line: Racial Politics and the Obama Presidency*; *Interracial Intimacies: Sex, Marriage, Identity and Adoption*; *Nigger: The Strange Career of a Troublesome Word*; *Race, Crime, and the Law*; and *Sellout: The Politics of Racial Betrayal*. Additionally, Kennedy has published numerous collections of shorter works. Many of his articles can be found in periodicals and newspapers, including *The American Prospect*, *The Nation*, *The Atlantic Monthly*, *Georgetown Law Journal*, *Harvard BlackLetter Journal*, and *The Boston Globe*. His book *Race, Crime, and the Law* won the Robert F. Kennedy Book Award.

He graduated from Princeton University, Oxford University, and Yale Law School. He served as a law clerk for Judge J. Skelly Wright of the United States Court of Appeals and for Justice Thurgood Marshall of the United States Supreme Court. He is a member of the bar of the District of Columbia and the Supreme Court of the United States. Mr. Kennedy was awarded an honorary degree by Haverford College and is a former trustee of Princeton University.

### **Raquiba LaBrie, OSF U.S. Programs Staff, Working Group Co-Chair**

Raquiba LaBrie became the director of the Open Society Foundations' Equality and Opportunity Fund in June of 2008. The Fund focuses on ensuring justice and equality, prohibiting arbitrary and discriminatory government action, and lifting barriers that prevent people from participating fully in economic, social, and political life. It also includes the Campaign for Black Male Achievement.

Before this, Raquiba directed OSF's Sentencing & Incarceration Alternatives Project, which sought to reduce the scale of incarceration in the U.S. by: eliminating race and class disparities in sentencing and incarceration; advancing sentencing reform; promoting alternatives to incarceration; and limiting prison growth and prison privatization. She also directed the work of the Soros Justice Fellowships, which supports outstanding individuals, including lawyers, advocates, grassroots organizers, activist academics, journalists, and filmmakers, to implement innovative projects that address one or more of the priorities of OSF's Criminal Justice Fund. In 2007, Raquiba helped to launch OSF's work addressing the predatory aspects of subprime lending, which evolved into the Neighborhood Stabilization Initiative. She began her tenure at OSF in 2000 as the Program Officer for the Access to Justice Program. The Access to Justice

Program made grants to promote equal access to quality civil legal aid for low-income communities and communities of color.

Prior to joining OSI, she was an associate in the exempt organizations practice group of Patterson, Belknap, Webb & Tyler. While there she represented a range of private foundations and non-governmental organizations, including community economic development organizations, social justice organizations, and foundations supporting micro-credit lending institutions in Africa, Asia and Latin America. She graduated from Yale College and Harvard Law School.

### **Gay McDougall, first United Nations Independent Expert on Minority Issues**

Gay McDougall served as the first United Nations Independent Expert on Minority Issues from 2005 through 2011. During the 2011-2012 academic year she will be the Robert Drinan Visiting Professor in Human Rights at the Georgetown University Law Center in Washington, D.C. From 2006 to 2008 she was a Distinguished Scholar in Residence at the Washington College of Law at American University. She was Executive Director of the international NGO Global Rights from 1994 through 2006.

Among her many international roles, she served as an Independent Expert on the UN treaty body that oversees compliance with the International Convention on the Elimination of All Forms of Racial Discrimination during which time she negotiated the adoption of General Recommendation XXV on the Gender Dimensions of Racial Discrimination, which requires governments to report explicitly on the situation of women impacted by racial discrimination.

As Special Rapporteur on the issue of systematic rape and sexual slavery practices in armed conflict when she served on the UN Sub-Commission on Promotion and Protection of Human Rights, she led that body in calling for international legal standards for the prosecution of such acts. She was one of five international members of the South African governmental body established through the multi-party negotiations to set policy and administer the country's first democratic, non-racial elections in 1994, resulting in the election of President Nelson Mandela and the transition from apartheid.

In 1999 she was a recipient of the coveted MacArthur "Genius" Award. She has also received the Butcher Medal of the American Society of International Law for outstanding contributions to human rights law and the Thurgood Marshall Award of the District of Columbia Bar Association among numerous other national and international awards. She received a J.D. from Yale Law School and an LL.M. from the London School of Economics and Political Science. She has an Honorary Doctors of Law from Georgetown University Law Center, the School of Law of the City University of New York and Agnes Scott College.

### **Diana Morris, OSF U.S. Programs Staff**

Diana Morris is Acting Executive Director of US Programs at the Open Society Foundations and the director of the Open Society Institute-Baltimore, a field office established in 1997 to

understand and address the local and state social and economic dynamics at play that impede opportunity and justice.

From 1991-97, she served as the executive director of the Blaustein Philanthropic Group, a set of eight family foundations based in Baltimore which awards local, national and international grants. Previously, Ms. Morris was a Program Officer at the Ford Foundation, first as a Program Officer for Refugee and Migrant Rights (1982-1987) and then as a Program Officer for Human Rights and Social Justice for Eastern and Southern Africa (1987-1990). Ms. Morris began her career as an Attorney-Adviser for Human Rights and Refugee Matters in the Office of the Legal Adviser at the Department of State.

She holds an A.B. from Smith College and a J.D. from Boston University and is a member of the New York State Bar. Ms. Morris served as president of the Association of Baltimore Area Grantmakers from 1996-2000 and as a board member from 1994-2001. She was a member of the Park School Board of Trustees from 1998-2004 and the past chair of the Safe and Sound Campaign board, and is a member of the Baltimore Substance Abuse Systems Board of Directors. Ms. Morris is a recipient of a Special Recognition Award from the Maryland Legal Services Corporation and a Public Service Award from Boston University Law School.

### **Theodore Shaw, Professor, Professional Practice in Law, Columbia Law School**

Theodore M. Shaw is a Professor of Professional Practice in Law at Columbia Law School.

From 2004 to 2008, he was director-counsel and president of the NAACP Legal Defense and Educational Fund (LDF), one of the nation's leading voices in civil rights. Shaw joined LDF in 1982 and in 2004 became the fifth person to lead the organization. While at LDF, he was lead counsel in a coalition that represented African-American and Latino students in the University of Michigan undergraduate affirmative action admissions case. That case, *Gratz v. Bollinger*, went before the United States Supreme Court in 2003, along with *Grutter v. Bollinger*, which challenged the use of affirmative action at The University of Michigan Law School. Shaw worked as a trial attorney in the Civil Rights Division of the U.S. Department of Justice from 1979-82, where he litigated civil rights cases at the trial and appellate levels and at the U.S. Supreme Court. He currently serves on the Legal Advisory Network of the European Roma Rights Council based in Budapest, Hungary. Shaw previously has taught at Columbia, University of Michigan, Temple and CUNY law schools.

He is the recipient of the Wien Prize for Social Responsibility from Columbia Law School; the A. Leon Higginbotham, Jr., Memorial Award from the National Bar Association Young Lawyers Division; and the Baldwin Medal from the Wesleyan University alumni body.

### **Bryan Stevenson, OSF U.S. Programs Board**

Bryan Stevenson is the Executive Director of the Equal Justice Initiative in Montgomery, Alabama, and also a Professor of Law at the New York University School of Law. His representation of poor people and death row prisoners in the deep South has won him national

recognition. He and his staff have been successful in overturning dozens of capital murder cases and death sentences where poor people have been unconstitutionally convicted or sentenced. Mr. Stevenson has been recognized as one of the top public interest lawyers in the country. His efforts to confront bias against the poor and people of color in the criminal justice system have earned him dozens of national awards including the National Public Interest Lawyer of the Year, the ABA Wisdom Award for Public Service, the ACLU National Medal of Liberty, the Reebok Human Rights Award, the Olaf Palme Prize for International Human Rights, and the prestigious MacArthur Foundation Fellowship Award Prize. He is a graduate of Harvard Law School and the Harvard School of Government. He has published articles on race, poverty and the criminal justice system, and manuals on capital litigation and habeas corpus.

### **Jane Sundius, OSF U.S. Programs Staff**

Jane Sundius is the Education and Youth Development Program Director at the Open Society Institute-Baltimore. She is responsible for the development and implementation of a grant making, advocacy, and technical assistance program that works to enhance access to high quality learning opportunities for all of Baltimore's youth, both in and out of school. Recent major initiatives include efforts to increase the quality and quantity of after-school and summer learning opportunities for Baltimore's children, a campaign to reduce suspensions, expulsions, and arrests in public schools, and a city-wide initiative to improve student attendance. She serves on several advisory groups dedicated to improving outcomes for children, including the Executive Committee of the Baltimore Education Research Consortium and the Steering Committee of the Maryland Out-of-School-Time Network; she writes and speaks on topics related to urban education, school discipline, student attendance and educational philanthropy.

Prior to her work at the Open Society Institute-Baltimore, she worked as a research and evaluation consultant to local foundations and non-profit organizations and was the administrator of a graduate program in public policy. She has also served as a senior research associate on a longitudinal study of Baltimore City Public School children that analyzed the effects of poverty and family characteristics on school performance and tracked children's school year and summer learning trajectories. She holds a Ph.D. in sociology and a M.A. in public policy from the Johns Hopkins University.

### **Nkechi Taifa, OSF U.S. Programs Staff**

Nkechi Taifa is a senior policy analyst for the Open Society Foundations and Open Society Policy Center. She works to influence public policy in support of comprehensive justice reform. Taifa focuses on issues involving federal sentencing reform, accountability in federal law enforcement, re-entry of previously incarcerated persons, and prison reform. She has played a major role in raising visibility of issues involving unequal justice. Taifa also convenes the Justice Roundtable, a Washington-based advocacy network advancing federal criminal justice policy reforms.



Prior to joining the Open Society, Ms. Taifa was the founding director of Howard University School of Law's award-winning Equal Justice Program. She was an adjunct professor at the Law School for ten years, teaching the popular seminar, "Racial Disparities in the Criminal Justice System.," as well as the "Law of Corrections and Prisoners' Rights." She additionally directed the Law School's Externship Program and taught its Public Interest Law seminar. She also served as adjunct professor at American University Washington College of Law. Taifa spent four years as legislative counsel for the American Civil Liberties Union (ACLU), serving as the principal spokesperson for the ACLU Washington Office on criminal justice and civil rights issues. Prior to that position, Taifa was also public policy counsel for the Women's Legal Defense Fund and worked as a staff attorney for the National Prison Project. She also maintained a private law practice specializing in the representation of indigent adults and juveniles as well as employment discrimination law.

Nkechi Taifa has served on the board of numerous organizations, and has received awards and honors, including the prestigious "President's Award" from the Washington Council of Lawyers," the Rosmarian Award for Excellence in Teaching and Service" from Howard University," "Professor of the Year," and "Outstanding Social Engineer Award."

Taifa received her J.D. from George Washington University Law School. She graduated magna cum laude from Howard University with a B.A. in history and education. She is admitted to practice before the United States Supreme Court, U.S. Court of Appeals for the District of Columbia Circuit, and the District of Columbia Court of Appeals. Taifa serves as an appointed commissioner on the District of Columbia Commission on Human Rights.

### **Ruy Teixeira, Senior Fellow, Century Foundation and the Center for American Progress**

Ruy Teixeira is a Senior Fellow at both The Century Foundation and American Progress. He is also a guest scholar at the Brookings Institution, where he recently co-directed a joint Brookings-American Enterprise Institute project on political demography and geography, "The Future of Red, Blue and, Purple America," and wrote a series of reports with William Frey on the political geography of battleground states in the 2008 election.

He is the author or co-author of six books, including *Red, Blue and Purple America: The Future of Election Demographics*; *The Emerging Democratic Majority*; *America's Forgotten Majority: Why the White Working Class Still Matters*; and *The Disappearing American Voter*, as well as hundreds of articles, both scholarly and popular. He also writes Public Opinion Snapshot, a weekly feature featured on the CAP and TCF websites. Teixeira's book, *The Emerging Democratic Majority*, written with John Judis (Scribner, 2002), was selected as one of the best books of the year by The Economist magazine.

Teixeira's recent writings include "Demographic Change and the Future of the Parties," "The European Paradox" (with Matt Browne and John Halpin), "New Progressive America," "New Progressive America: The Millennial Generation" (with David Madland), and "The Decline of

the White Working Class and the Rise of a Mass Upper Middle Class” (with Alan Abramowitz).

Teixeira holds a Ph.D. in sociology from the University of Wisconsin-Madison.

### **Maya Wiley, Founder and Executive Director, Center for Social Inclusion**

Maya Wiley is the founder and President of the Center for Social Inclusion. A civil rights attorney and policy advocate, Maya has litigated, lobbied the U.S. Congress and developed programs to transform structural racism in the U.S. and in South Africa.

Prior to founding the Center for Social Inclusion, Maya was a senior advisor on race and poverty to the Director of U.S. Programs of the Open Society Institute and helped develop and implement the Open Society Foundation - South Africa’s Criminal Justice Initiative. She has worked for the American Civil Liberties Union National Legal Department, in the Poverty and Justice Program of the NAACP Legal Defense and Educational Fund, Inc. and in the Civil Division of the U.S. Attorney’ Office for the Southern District of New York. Maya previously served on the boards of Human Rights Watch, the Institute on Race and Poverty at the University of Minnesota School of Law and the Council on Foreign Relations. She currently chairs the Tides Network Board and was named a *NY Moves* magazine 2009 Power Woman.

Maya was a contributing author to the National Urban League's 2006 State of Black America Report, and authored a chapter on race, equity and land use planning (“Smart Growth and the Legacy of Segregation in Richland County, South Carolina”) in *Growing Smarter: Achieving Livable Communities, Environmental Justice and Regional Equity* (The MIT Press: Cambridge, MA, 2007). Maya holds a J.D. from Columbia University School of Law (1989) and a bachelor’s degree in Psychology from Dartmouth College (1986).

## Race and Marginalized Populations Working Group

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# In Florida, a Death Foretold

By ISABEL WILKERSON

Tampa, Fla.

IN the mid-1930s, a Yale anthropologist ventured to an unnamed town in the South to explore the feudal divisions of what we commonly call race but what he preferred to describe with the more layered language of caste. When he arrived — white, earnest and fresh from the North — white Southerners told him that a Northerner would soon enough “feel about Negroes as Southerners do.” In making that prediction, the anthropologist John Dollard wrote in his seminal study “Caste and Class in a Southern Town,” they are saying “that he joins the white caste. The solicitation is extremely active, though informal, and one must stand by one’s caste to survive.”

Americans tend to think of the rigid stratification of caste as a distant notion from feudal Europe or Victorian India. But caste is alive and well in this country, where a still unsettled multiracial society is emerging from the starkly drawn social order that Dollard described. Assumptions about one’s place in this new social order have become a muddying subtext in the case of Trayvon Martin, the unarmed black teenager slain at the hands of an overzealous neighborhood watch captain, who is the son of a white father and a Peruvian mother.

We do not know what George Zimmerman was thinking as he watched Mr. Martin from afar, told a 911 dispatcher that he looked suspicious and ultimately shot him. But we do know that it happened in central Florida, a region whose demographic landscape is rapidly changing, where unprecedented numbers of Latino immigrants have arrived at a place still scarred by the history of a vigilante-enforced caste system and the stereotypes that linger from it. In this context, newcomers — like previous waves of immigrants in the past — may feel pressed to identify with the dominant caste and distance themselves from blacks, in order to survive.

A study released in 2006 by Duke University on attitudes on race in Durham, N.C., a city with one of the fastest-growing Latino populations in the country, found that an overwhelming majority of Latinos — 78 percent — felt they had the most in common with whites, while 53 percent of them felt they had the least in common with blacks. So it would make sense for those respondents to act with the same assumptions about blacks that they perceive are held by native whites. In fact the Latino respondents, many of them immigrants from Mexico and Central America, actually reported higher negative feelings toward blacks than most native-born whites. Nearly 60 percent reported feeling that few or almost no blacks were hard-working or could be trusted, while only 10 percent of whites held that view.

On the other hand, almost three-quarters of blacks felt that Latinos were hard-working or could be trusted. Black Americans appear to view Latinos as more like themselves. “Blacks are not as negative toward Latinos as Latinos are toward blacks because blacks see them as another nonwhite group that will be treated as they have been,” said Paula D. McClain, the lead author on the study. Even as blacks worry about losing jobs to new immigrants, they are less supportive of harsh anti-immigration laws, she said, “because they know what laws have done to them.”

But shared hardships don't necessarily make allies. “As linked fate rises, so does competition,” said **Michael Jones-Correa**, a professor of government at Cornell who specializes in immigration and interethnic relations. “It's like a sibling rivalry,” he said. “This is not a painless relationship.” And, of course, Latino immigrants don't just enter a pre-existing racial hierarchy; they bring with them their own assumptions based on the hierarchies in their home countries. “When we come to the U.S.,” **Eduardo Bonilla-Silva**, a professor of sociology at Duke, who is Puerto Rican, said, “we immediately recognize whites on top and blacks on the bottom and say, ‘My job is to be anything but black.’ ”

This uneasy coexistence has had tragic consequences in the past. A series of riots broke out in Miami in the 1980s after several black men were shot dead by Latino police officers who claimed self-defense and were later acquitted. In 1982 in Miami, a 20-year-old black man named Nevell Johnson Jr. was killed at a video arcade by a white, Cuban-born police officer. Seven years later, after a routine traffic stop in that same Miami neighborhood, a black man riding a motorcycle, Clement Anthony Lloyd, was shot dead by a Colombian-born police officer. The motorcycle then crashed; another black man who was riding on the back died the next day.

Just last year in California, a gang of 51 people, mostly Latinos, were indicted in the San Gabriel Valley, east of Los Angeles, after a 15-year campaign of assaults and firebombings of African-American residents, whom they were trying to force out of the neighborhood.

In this atmosphere, blacks are the target of the highest number of hate crimes in the United States, according to the Federal Bureau of Investigation — higher by a wide margin than any another group of Americans by race, ethnicity, religion, sexual orientation or disability. While blacks make up 12.6 percent of the country's population, they were 70 percent of the victims of racial hate crimes in 2010.

WHATEVER role caste may have played in the Trayvon Martin case is unknowable, and it is far too early to tell whether Mr. Zimmerman will be arrested, tried or convicted. But that encounter unfolded in Seminole County, where Latinos have overtaken African-Americans as the dominant minority group, rising to 17 percent from 11 percent in the last decade. Blacks now make up 11 percent and whites, 66 percent. The area had a history of vigilante justice long before the new arrivals, dating back to 1920, when blacks in the nearby town of Ocoee were burned out of their homes after two black men tried to vote.

Despite all that has gone before, there is reason for optimism. One of the great tragedies of the last century was the pitting of immigrants from Eastern and Southern Europe against African-Americans who had migrated from the rural South to the industrial North. Both groups were seeking the same thing and were

pretty much the same people — people of the land trying to make a way for their families in forbidding and alien places. Fear, suspicion and uneven access to unions, jobs and housing kept them apart. Firebombings and white flight followed, and we are still living with the aftereffects of those divisions.

The arrival of a new kind of immigrant to a country that has endured so much discord offers a chance for re-examination and redemption. Indeed, one of the most encouraging signs noted by Mr. Jones-Correa is that Latinos are maintaining a distinct identity and are increasingly choosing to be identified as “other” rather than black or white. “We have a history of immigrants coming to America and proving themselves as American by identifying as white,” he said. “Latinos see themselves as a third category. I think they will continue as a third position beyond the black and white rhetoric.”

John Dollard was told time and again that he would come to see the lowest caste of the South the same way that those who had devised the caste system did. He resisted that impulse and instead chose to lay bare the divisions in a hope that they one day might end. Now, 75 years later, a death in Florida gives all of us the chance to reflect on the meaning of that choice.

*Isabel Wilkerson is a former national correspondent and bureau chief for The New York Times and the author of “The Warmth of Other Suns: The Epic Story of America’s Great Migration.”*