



*Powerful ideas, practical actions*

## Jump Starting Racial Justice

by Terry Keleher

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**The appointment of Sonia Sotomayor to the Supreme Court has stirred up another round of debate about race in America. Clearly we have not yet achieved a post-racial society. But we could take some steps in that direction by acknowledging historic wrong doing.**

In his historic [Philadelphia speech](#) on race, then-candidate Barack Obama genuinely tried to unify us in facing our failures. Many people hoped that President Obama would be our racial savior, single-handedly bringing an end to centuries of struggle against discrimination. Some were quick to declare that racism, as we knew it, is over.

Yet familiar patterns and headlines persist: A spike in racial hate crimes and hate groups. More police killings of people of color. Skyrocketing unemployment rates among Blacks and Latinos. Crackdowns on immigrants. A historic loss of wealth for people of color forced into foreclosure. And racist speech all over the Internet.

Although the delusion of “post-racialism” was clearly preposterous, since President Obama took office we’ve heard hardly a mention of the structural racism that permeates our economic, political, and cultural institutions.

The good news is that sensible solutions exist. Two especially promising solutions are public reconciliation processes, like the one made famous in South Africa, and proactive racial impact planning and analysis now being employed widely in the United Kingdom.



President Barack Obama meets with Appeals Court Judge Sonia Sotomayor, the nominee to replace retiring Supreme Court Justice David Souter, and Vice President Joseph Biden prior to an announcement in the East Room, May 26, 2009. Sonia Sotomayor would be the first Latino Supreme Court justice.

Official White House photo.

## **Truth and Reconciliation—Then and Now**

South Africa's Truth and Reconciliation Commission provided a forum for constructive and candid conversation about historic racial inequalities. The court-like commission, chaired by Archbishop Desmond Tutu, held hearings around the country to investigate human rights abuses, restore victims' dignity, formulate rehabilitation proposals, and consider individuals' applications for amnesty. The public airing of the ongoing harm caused by abuses of justice and human rights transformed the country. And the commission sparked nationwide discussion of appropriate responses, ranging from amnesty to reparations.

South Africa emphasized a restorative, rather than retributive system of justice, where individual offenders and society as a whole were obligated to officially acknowledge and take responsibility for the harms done to victims and communities. "Revealing is healing" was not simply a slogan, but a cornerstone for conciliatory power.

Archbishop Tutu wrote in the commission's final report: "There were others who urged that the past should be forgotten—glibly declaring that we should 'let bygones be bygones'. This option was rightly rejected because such amnesia would have resulted in further victimization of victims by denying their awful experiences. ... The other reason amnesia simply will not do is that the past refuses to lie down quietly. It has an uncanny habit of returning to haunt one."

Amnesty International, which advocates for effective truth commissions, reported in 2007 that truth commissions had been established in 28 countries and others were being considered, with more than half of them created in the previous ten years. Functions may include investigating past abuses, holding perpetrators accountable, fostering reconciliation, developing a historical record, memorializing past events, recommending reparations, and proposing institutional reforms to prevent future problems.

Surfacing the truth, of course, does not by itself remedy past injustices or change unfair institutions and policies. But it's a necessary first step.

If the U.S. were to follow suit by establishing an officially sanctioned process for acknowledging our racialized history, it could help build deep understanding across communities and reveal new transformative possibilities. The scope of a truth commission here would certainly have to be negotiated since the legacy of racial inequality in our country has both longstanding roots and current manifestations.

Even a scope limited to racially inequitable policies and institutional practices that have occurred in our lifetime could offer many lessons for today. For example, a thorough airing of practices ranging from redlining and blockbusting to exclusionary covenants and public contracting would shed light on our enduring racial wealth divide. Such an examination could also help us understand how the prevalence of predatory lending in communities of color has resulted in a multi billion dollar loss of wealth for people of color who are forced into foreclosure.

Indeed, some individual states and locales have adopted or are promoting variations on the truth commission model. The Oklahoma Legislature created the Tulsa Race Riot Commission to investigate a 1921 incident where a white lynch mob went on a two-day rampage where they killed as many as 300 African Americans, burned homes and churches and destroyed the “Black Wall Street” business district. In its final report issued in 2001, the Commission recommended direct payments to survivors and descendants, a memorial to the dead, and scholarships and economic development funding for the affected community. Later that year, the state legislature passed a Race Riot Reconciliation Act, approving some, but not all of the Commission’s recommendations.

Other cities such as Greensboro and Wilmington, North Carolina, have created race riot commissions to examine particular historical events. And there’s a grassroots effort underway towards establishing a Truth and Reconciliation Commission in the state of Mississippi.

### **Preventing Future Discrimination**

While truth commissions have a largely retrospective focus, another model for addressing structural racism from a more prospective standpoint is one that has been adopted in the United Kingdom, known as the “Race Equality Duty.” This is a far-reaching government commitment and legal responsibility to eliminate discrimination, promote racial equality and foster good race relations.

Public agencies from federal authorities to local police departments and schools are required to create strategic plans to advance racial equality. And major policy proposals must undergo Race Equality Impact Assessments, a systematic review aimed at anticipating and preventing adverse impacts for any racial group.

Since 2001, when the law was adopted, public entities across the U.K. have developed racial equality plans. At their best, they attract public engagement and vigorous debate, which informs and improves collective decisions. But, like any government task, if political leadership is lacking, the plans can also become bureaucratic paperwork with minimal public input or impact.

The U.K. is refining its process to make it more effective and better aligned with other interests, including human rights, gender equity, and disability rights. The government is now developing a new Equality Bill to clarify and unify its framework, with enforcement to be largely overseen by the Equality and Human Rights Commission.

The U.K. model places government at the forefront not only of eliminating racial discrimination, but of actually promoting equality, opportunity, and inclusion across society. Instead of waiting for discrimination to occur before taking action, government authorities are charged with the duty of preventing potential adverse impacts.

In Northern Ireland, the Department of Transport and Industry introduced a national minimum wage. The Department’s racial equality impact assessment found that the minimum wage would benefit 130,000 ethnic minority workers in the U.K. The government conducted public awareness campaigns in multiple languages, resulting in

a significant increase in complaints of underpayment. Through proactive research and action, the government was able to address racial disparities in wages and income.

There's no magic bullet for eliminating structural racism, and each country has its unique racial history and dynamics. The United States does not, yet, have this sort of national legislation, but a handful of states, cities, and counties are moving ahead with their own forms of racial impact assessments:

- Last year, Iowa—which ranked worst in the nation in its ratio of incarceration rates between African Americans and whites—enacted the nation's first law requiring policymakers to prepare racial impact statements for proposals affecting sentencing and probation. Iowa Governor Chet Culver, upon signing the bill, said "I am committed to making sure state government at all levels reflects our shared values of fairness and justice."
- Connecticut has since passed a similar law. Illinois, Oregon, and Wisconsin are also considering adopting racial impact statements for criminal justice policies, much like environmental impact statements are used to minimize adverse impacts.
- The city of Seattle directs all its departments to use a Racial Equity Analysis to guide policy development and budget making. This is helping the city make improvements in areas such as hiring and promotions, public contracts, and immigrant and refugee access to city services.
- King County, Washington, uses an Equity Impact Review Tool to assess key policies, programs and funding decisions. This new tool is part of a broader county-wide Equity and Social Justice Initiative, which has resulted in culturally and linguistically appropriate outreach materials for early childhood intervention services for Somali-, Vietnamese-, and Spanish-speaking families.
- A coalition of community groups in St. Paul, Minnesota, is proposing a new policy requiring city staff and developers to compile a Racial Equity Impact Report for all development projects that receive a public subsidy of \$100,000 or more.

These initiatives recognize that racism is far more than personal prejudice—it's a historically rooted system of bias that continues to manifest itself in our laws and institutions. Conscious consideration of racial equity is one of the best ways to prevent the unconscious replication of systemic racism.

### **Jump Start Racial Justice**

Instead of embracing the empty rhetoric of "post-racialism" and "color-blindness" where systemic problems are ignored, we can build a modern racial justice movement. There's no lack of solutions. We just need leadership and action from the grassroots up, and the political will to think bigger and act boldly.

We can't pin all our hopes on President Obama, but there's certainly no need to remain in our racial rut. Instead, we can jump start racial justice. There's a path forward. Let's take it. Together. Today.

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