



Harvard Kennedy School Journal of African American Public Policy

A Harvard Kennedy School Student Publication

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Cover Art: No one is just "black". "Blackness", however you define it, confers multitudes. It comes with intersecting identities, artful code-switching, overlapping cultures, and conflicting allegiances. It embodies complexity. And this image attempts to capture the myriad of distinctions that drive that complex reality. Every black person is different. They come in various sizes, shapes, personalities and ideologies. They are a vast array of mosaic facets informing a complete and whole identity not capable of being understood monolithically. Though in each person "blackness" does quite certainly reside, it cannot, should not and will not wholly define those individuals. —Cortney Robinson, Facets.

**Harvard Kennedy School
Journal of African American
Public Policy**

2017-18 Volume

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Acknowledgements

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Editor's Note

By Aaron Francis

Each and every single person you encounter in your day to day uses various identities to describe themselves. For some, it's their race. While for others, it's their religion. But the list goes on: gender, sexual orientation, nationality, political or even social ideologies. All of these categories – these buckets, if you will – helps us craft our own individual narratives. They inform others, and even ourselves at times, about how we interface with everything around us. But sometimes, these same identities –

“But, when taken in tandem with each other, some of these collective identities reveal some pretty harsh and nuanced social complexities.”

these parts of who we really are – can also be sources of tension. Sometimes, these parts of who we are don't mesh all that well together, and in fact, they clash. Our identities seem simple enough. Kind of like building blocks, right? Liberal.

Conservative. Homosexual. Heterosexual. Muslim. Christian. White. Black. And the list goes on and on. With each unique trait comes a new way with which to view the world. But, when taken in tandem with each other, some of these collective identities reveal some pretty harsh and nuanced social complexities. And, naturally, a host of inequalities too. This might all sound a bit abstract right now, but I actually remember the first time I came to recognize this truth firsthand.

“Frustrated. Angry. Upset. “Get away from my baby girl,” she yells.”

Imagine just turning seventeen. You're walking into one of your first few *real* days of community service. Mainly because, up until this point, it was *your* community that needed servicing. In any event, you find yourself at a domestic violence shelter in your hometown of South Central Los Angeles. There, you meet a wonderful four-year-old

bundle of joy by the name of Bianca. Little Bianca and you become friends instantaneously. A full three-feet of personality, Bianca had been running around the shelter that day looking for someone to help craft a masterful version of the Easter Bunny. She walks up to you, looks you up and down, and determines that you are worthy of assisting her in this cause. She grabs your arm – woefully unaware of your inability to color at even a grade school level – and sits you down at her work studio – a mini desk in the childcare room.

Though you're tempted to save yourself the embarrassment, you realize how serious of an occasion this actually is. This could very well be this sweetheart's big break. Museums. Galleries. You'd probably even settle for refrigerators, but deep down, you know the possibilities are endless. So, you sit cautiously and proceed to help as best you can.

Red. Yellow. Blue. Orange. Green. Magenta. You realize you're using a lot of colors that don't really make sense together. But that's fine because she's four. And who cares that you can't stay inside the lines. Because, again, she's four. And then, moments before you guys are about to finish your masterpiece, as you're laughing together, you watch as your new friend is hoisted out of her chair by her mother. Frustrated. Angry. Upset. “Get away from my baby girl,” she yells.

“My blackness and my masculinity served jointly as a source of visceral fear for Bianca’s mother, and it prompted me to think heavily about the historic and sociological relationships between men and women.”

I’ll never forget that rattled feeling I felt when it happened. I stopped, placed the yellow crayon I’d been using next to the almost-finished Easter Bunny, and smiled softly at Bianca. I thanked her for her time and made my way to the opposite side of the room. Her mother deserved the ease. A few weeks later, I found out that Bianca’s mother had been in several abusive relationships – all with men of color. And, as a young black male in the center, I served as a reminder of the physical harm and emotional turmoil her ex-partners inflicted on her. My blackness and my **masculinity** served jointly as a source of visceral fear for Bianca’s mother, and it prompted me to think heavily about the historic and sociological relationships between men and women. But even more specific than that, the relationship between men of color and women of color. And I realized that I wanted to do something. I needed to do something.

“Thanks to notable women of color like Kimberlé Crenshaw, Angela Harris, and Patricia Collins, I spent countless hours looking to explore and understand the sentiments shared and felt by women like Bianca’s mother.”

Little did I know, I would spend the next several years undergoing the intellectual exercise I eventually discovered was coined intersectionality. Thanks to notable women of color like Kimberlé Crenshaw, Angela Harris, and Patricia Collins, I spent countless hours looking to explore and understand the sentiments shared and felt by women like Bianca’s mother. Doing so helped myself and countless others think critically about the policies in motion that prevent so many women of color (and black women, specifically) from the peace they truly do deserve. But aside from the marvel of empathy? The beauty of *intersectionality* lies in the unique lens it provides with which to view the world.

So, unsurprisingly, the first goal of this issue is a tribute to intersectionality; to highlight the value and wonder of it as a theory and a tool worth practical application. But the second and probably more important goal is to demonstrate how we can and do utilize intersectional approaches to analyze the real issues so often at the heart of obstacles facing the black community. This edition of the journal is a journey across the breadth of subjects within intersectionality that have direct ties with the black experience. With pieces ranging from the difficulties facing black folks amidst attempts of social and political representation to the judicial system and welfare regime, the journal attempts to bring together a series of themes under the auspices of intersectionality. Stitched throughout the presentation of it all is the artistic vision and wonder of Sara Trail and the Social Justice Sewing Academy, an organization that demonstrates — quite literally — the unique social realities (fabrics, if you will) of the black experience and, necessarily, intersectionality. This edition is a story. And with it, we at the *Harvard Kennedy School Journal of African American Public Policy* hope that each and every reader is able to find their own policy area to focus on, the fervor to commit to it, and the arduous thoughtfulness to engage with it.

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Peace Not Hate,
Axel Reyes (SJSA)
(Left)

American Mayday,
Sara Trail (SJSA)
(Bottom left)

Born a Crime,
Bryan Robinson (SJSA)
(Bottom Right)



Your National Anthem

By Clint Smith

Today, a black man who was once a black boy
like you got down on one of his knees & laid
his helmet on the grass as this country sang

its ode to the promise it never kept
& the woman in the grocery store line in front
of us is on the phone & she is telling someone

on the other line that this black man who was
once a black boy like you should be grateful
we live in a country where people aren't killed

for things like this you know she says, in some places
they would hang you for such a blatant act of disrespect
maybe he should go live there instead of here so he can

appreciate what he has & then she turns around
& sees you sitting in the grocery cart surrounded
by lettuce & yogurt & frozen chicken thighs

& you smile at her with your toothless gum smile
& she says that you are the cutest baby she has
ever seen & tells me how I must feel so lucky

to have such a beautiful baby boy & I thank her
for her kind words even though I should not
thank her because I know that you will not always

be a black boy but one day you may be a black man
& you may decide your country hasn't kept
its promise to you either & this woman or another

like her will forget you were ever this boy & they
will make you into something else & tell you
to be grateful for what you've been given

Clint Smith is a writer, teacher, and Ph.D. Candidate at Harvard University studying education, incarceration, and inequality. He is a 2014 National Poetry Slam champion, a 2017 recipient of the Jerome J. Shestack Prize from the American Poetry Review, and has received fellowships from Cave Canem and the National Science Foundation. His writing has appeared in The New Yorker, The Atlantic, The Paris Review, and The New Republic. His debut collection of poems, Counting Descent, was published in 2016 by Write Bloody Publishing. It won the 2017 Literary Award for Best Poetry Book from the Black Caucus of the American Library Association and was a finalist for an NAACP Image Award.



#Diversity (Persist)
Brian Perez
SJSA

V is for Vote,
Bianca Mercado
Activist ABC Series (SJSA)
Artist Statement:
www.sjsacademy.com/activist-abcs.html



Running While Black

by Demarquin Johnson

During the final moments of his presidency, President Barack Obama reinforced the importance of civic participation. His words encouraged all Americans to be active citizens. The first Black president said, “If you’re disappointed by your elected officials, grab a clipboard, get some signatures, and run for office yourself.” The crowd cheered; I was unmoved. While the sentiment speaks to the nation’s democratic ideals, running for office requires far more than signatures. Most notably, it requires money. For several reasons, financial backing plays a major role in candidate viability, allowing racial disparities to extend from economic power to political power. This difficulty is rooted in the racist history of local, state, and federal governments across the nation, but there are, however, opportunities to reduce its impact. One policy recommendation is a robust scheme for public financing of campaigns, a system in which candidates can receive monetary assistance in exchange for following specific rules. Implementing public finance schemes can help Black candidates overcome the financial obstacles to elected office.

Expensive elections advantage white candidates over Black candidates. American politics lacks diversity and has significant economic hurdles to inclusion. Decisions from the Supreme Court of the United States and the realities of economic inequality contribute greatly to the status quo. This trend is detrimental to an inclusive, representative,

“While the country is a multiracial melting pot, the government is like a slice of bread, mostly white with brown at the margins.”

and responsive democracy. In short, “Our politics are a disgrace, and money is the root of the problem.”

While the country is a multiracial melting pot, the government is like a slice of bread, mostly white with brown at the margins. White people represent 63 percent of the population and hold 90 percent of elected offices. This inconsistency is unlikely to change in light of the price tag on campaigns. The average amount raised by House of Representative candidates who won in 2012 was \$1,689,580. Funds are used for radio and television ads, campaign literature, and other essentials. Expensive elections link potential for success with access to money, which disproportionately favors white people.

The problem’s source is two-fold: wealth inequality and judicial interference. The former can trace its lineage to laws proscribing Black ownership. The wealth gap created centuries ago is still relevant today. The median Black family has \$1,700 in wealth while the median white family has \$116,800. If current trends continue, Black median families will own zero wealth. This economic trauma is relevant to political campaigns because of the Supreme Court’s interpretations of the First Amendment. Generally, campaign spending and independent expenditures cannot be limited. These two factors, working in concert, create a class of politicians that is predominantly white. It is relevant to note that all candidates do not completely fund their own campaigns. They seek contributions from donors. This donor class is also disproportionately white for the aforementioned reasons. For example, 37

percent of Washington, D.C., is white, but 62 percent of mayoral donors and 67 percent of City Council donors are white. A history of racially polarized voting in America, in which voters elect candidates of their race, support the notion that donors are also likely to donate to candidates of their race. The concentration of money in the white community and money's impact in elections hinder Black candidates' success.

When campaign costs are prohibitive and elected officials fail to reflect the electorate, the democratic system suffers. Inclusion is a mandatory facet of government by the people. Representation encourages people of different backgrounds to see their communities as accepted and meaningful contributors to the policymaking process. Additionally, the responsiveness of government to the needs and desires of all constituents requires elected officials to see the entire electorate as valuable. The outsized significance of wealthy donors motivates politicians to give the group more time, more influence, and more value.

“Some jurisdictions, such as Minnesota and New York City, experience high levels of participation, 74 percent and 62 percent respectively.”

Citizen funding for elections will offer Black candidates an alternative to better compete financially. The three major types put money directly into the coffers of candidates who lack access to major donors or prefer a grassroots campaign style. These models have been tested by the courts, implemented in different parts of the country, and impact elections. Democracy is stronger when diverse candidates have the opportunity for meaningful participation.

Publicly funded campaigns can be provided by lump-sum grants, small donor matching, and voucher, refund, or tax credit programs. Lump-sum grants provide large amounts to candidates upon satisfaction of gaining a predetermined number of small dollar contributions from the

electorate. These grants can be equivalent to the campaign spending limit, creating a “clean election” program, or the grant can merely be a fraction of the campaign spending limit and require candidates to fundraise for more money. With small donor matching systems, every dollar under a specific amount from an eligible voter is matched by the government. For example, a 2:1 matching program will provide candidates \$2 for every \$1 they raise up to the spending limit. The final category is comprised of programs that allow citizens various benefits for participating. Whether it is a tax deduction for qualifying donations or vouchers for citizens to freely give candidates to redeem for campaign funds, these schemes allow the contributors greater control.

The type of programs outlined above are legal, administrable, and likely to influence a candidate's ability to run for office. While the Supreme Court has struck down various conditions and triggers associated with publicly funded campaign schemes, it has affirmed their legality. Concerns related to implementation can be similarly put to rest. Maryland's joint matching funds and grant program was enacted in 1974 and still has participants. Some jurisdictions, such as Minnesota and New York City, experience high levels of participation, 74 percent and 62 percent respectively. The longevity and participation rates demonstrate the usefulness of such programs. Finally, it is important to consider whether or not these programs create opportunities for more Black candidates. Connecticut State Senator Gary A. Winfield, a Black man, said it plainly, “Without public financing, I would not have been a viable candidate. The fact that Connecticut had the system is what helped me enter the contest. If I had to raise money to challenge somebody, it would have been almost impossible.” Winfield's personal experience is also reflected empirically. After Connecticut's public financing scheme was enacted, there were fewer uncontested seats and a more diverse candidate pool.

While there are no guarantees publicly funded candidates will be on equal financial footing with their privately funded opponents, a basic economic principle is on their side. The law of diminishing marginal utility explains that money loses its impact in an election after a certain threshold. Candidate funds, as related to viability, are mostly relevant to reach a minimum amount to pay for campaign necessities. Hence, candidates who spend more do not always win elections.

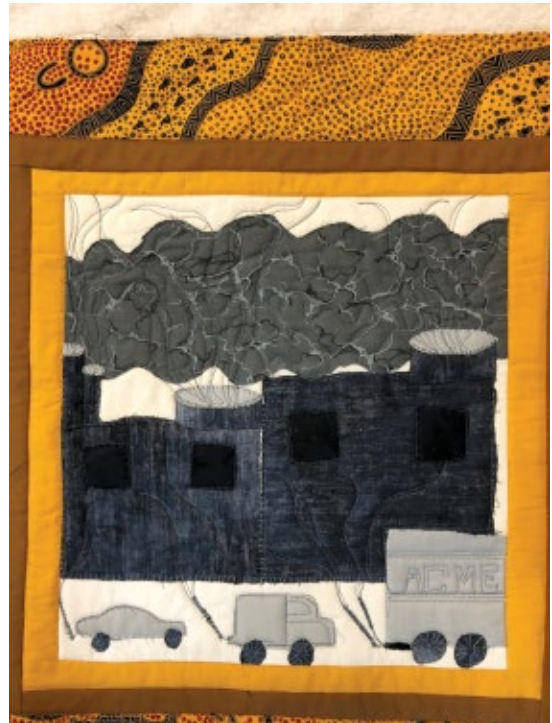
Yes, it is true that President Barack Obama was able to refuse participation in a public financing system and be elected to the nation's highest office. But most Black people do not have substantial family wealth or, as in the case of President Obama, access to major donors. Therefore, implementing comprehensive public finance programs at the local, state, and federal levels can help Black candidates overcome financial obstacles to elected office.

Demarquin Johnson is currently a joint degree student at Harvard Law School and Harvard Kennedy School, where he focuses his academic studies on the intersection of race, democracy, and law. He serves on the boards of various bodies in both schools, including the Harvard Kennedy School Journal of African American Public Policy and the Reparatory Justice Initiative. Before matriculating at Harvard, Demarquin was a Democracy Fellow at FairVote. He advocated for structural electoral reforms to ensure a more inclusive and efficient democracy at the local, state, and national level. He is a summa cum laude graduate of Howard University.

Endnotes can be found online at hjaap@hks.harvard.edu



The Rich & The Poor (SJSA)



Smog City, Anthony García (SJSA)



F is for Flint, Bianca Mercado - Activist ABC Series (SJSA)

The Invisible Thread:

An Analysis of Structural Racism and its Links to Lead Poisoning in Communities of Color

by Ethan Floyd

I can remember playing in my backyard in Georgia. There were vivid blue skies, pine cones littering the ground, and grasshoppers trying to escape the clutches of my cousin's hands. Although it wasn't that long ago, this was still a time when going back inside to cool off and grab a drink of water wasn't an option. "Once you go outside, don't keep coming back in. I don't want you to let the air conditioning out," was something that my Mom or Dad would inevitably say before I first stepped outside. To avoid having to go back inside, I would find the biggest pitcher that I could and head straight to the kitchen faucet. As I turned it on, I would patiently wait as all the water I could drink in a day slowly filled up the pitcher. Once it was filled, I would slowly take my first step outside, knowing that I wouldn't be able to come back for more. As I grew up, the kitchen faucet became my lifeline of sorts. Whenever I wanted to make lemonade, I would go to the faucet. Whenever I came home from my martial arts classes – faucet; whenever I brushed my teeth – faucet. Without giving it much thought, the faucets throughout the house were my main source of water.

“As I grew up, the kitchen faucet became my lifeline of sorts.”

Unfortunately, for some Black children in cities around the country, clean water isn't a resource that they can freely draw upon whenever they need it. These children and their parents have to constantly grapple with the knowledge that the water piped into their homes is poisonous. I believe that structural racism plays an instrumental role in the creation of these water crises. These crises, in turn, create a cycle of poverty that continue to

impact every member of Black communities; from developmental problems in children to kidney disease in adults. Structural racism is "the normalization and legitimization of an array of dynamics – historical, cultural, institutional and interpersonal – that routinely advantage whites while producing cumulative and chronic adverse outcomes for people of color." In order to illustrate how structural racism plays a role in the development of water crises around the country, I will first detail the effects of lead on the human body, after which I will focus on the effects that lead has on children who are exposed to the metal. Finally, I will conclude with a case study of Washington, D.C. and suggest a new method of lead testing to increase awareness of lead's prevalence in Black communities.

Lead's Effect on the Human Body

Lead has a negative impact on all who are exposed to it. However, lead has a substantially greater effect on young children. If left untreated, lead can have serious effects on many aspects of a child or adult's life, from brain development to an increased risk of heart disease. Due to lead's pervasiveness throughout our society, there are several important factors to consider when evaluating the impacts of lead poisoning. They are: (1) the different ways in which lead can be distributed throughout (a) the human body and (b) the larger environment, and (2) the brutal health effects that lead poisoning can have on a person's social and physical well-being.

The most common forms of lead poisoning are ingestion or inhalation through: paint,

“These children and their parents have to constantly grapple with the knowledge that the water piped into their homes is poisonous.”

soil, air, and water pollution. In most cases of water contamination, lead is released into a water stream through old pipes that contain lead. In many cases, the existence of these old pipes is the result of a lack of updating a municipality's or neighborhood's infrastructure. An average adult absorbs 20 percent of the lead that they ingest and most of the lead that they inhale in their lower respiratory tract. A significant amount of lead that is ingested is passed through the body via urine or solid excrement. However, this factor may be less impactful when considering that in most cases, exposure to lead is seldom a one-time event. Rather, lead exposure typically happens over an extended period of time. Because this is a slow process, a significant amount of lead ingested ends up being absorbed by the body. Once the lead is absorbed, it is exchanged through three different compartments: (1) blood, (2) soft tissue, and (3) mineralizing tissue.

The Overstated Importance of Blood

Blood is the most recognized method of detecting lead in individuals and large populations. However, a person's blood generally only carries a small fraction of the body's blood lead burden. Nevertheless, blood serves as “the initial receptacle of absorbed lead, and distributes lead throughout the body, making it available for other tissues.” While it is believed that lead affects people only through blood poisoning; in actuality, blood lead levels are only indicative of ongoing exposure to lead. Unfortunately, this misconception obscures the fact that the most harmful effects of lead occur through damage done to soft tissue and mineralized tissue.

The most common way that lead moves through the body is known as bone-to-blood lead mobilization. This means that the lead in a person's bones (which is where almost

all of the lead is stored in a person's body) has the capacity to leave the bones and be redistributed to a vital organ or muscle. The worst part of the bone-to-blood mobilization process is that lead is transferred during times of stress. This means that in most communities where lead poisoning is an issue, daily stressors can compound the effects of lead poisoning on their bodies.

The Indiscriminate Effects of Lead on Children

Given the pervasiveness of lead exposure throughout pregnancy, there is a significant chance that the children born in an affected community will be born with lead in their systems. Even more troubling is the fact that there is no threshold for lead's developmental effects on children. Thus, there are numerous possibilities and outcomes that can result from lead poisoning in children. This also means that just because a child shows no overt symptoms of lead poisoning that the possibility of severe lead poisoning can be ruled out.

One of the most crucial points to understand about lead poisoning is that the symptoms for lead poisoning are remarkably similar to cultural stereotypes held about Black children. Socio-behavioral symptoms such as juvenile delinquency and violent crime are both commonly held stereotypes about Black children, and yet are documented symptoms of lead poisoning. Because of lead's pervasiveness and ability to linger in a person's body, lead poisoning can lead to negative health effects later on in life, such as “hypertension, reproductive problems, and developmental problems with ... offspring.” In addition to these physiological effects, lead can also lead to numerous neurological effects in children. There is evidence that one of the distinctive neurological effects of lead is an increase in the likelihood for ADHD.

Lead's Contribution to Chronic Poverty

All of these factors lead to the conclusion that chronic poverty is as much a result of one's environment as it is an indication of other social factors. It is a commonly held belief that education is the key to elevating a person's social status and living conditions for themselves and their families. However, there is evidence to the contrary. If education is the key to social elevation, then a child who has been exposed to lead through his or her environment is less likely to attain success by those metrics. Thus, lead poisoning creates a circle of abject poverty and oppression. If the ability to do well in school is the primary path to elevating people out of an environment where they are being exposed to lead on a daily basis, but that lead exposure reduces their ability to perform well in school, then children in these situations aren't being given a chance.

“An average adult absorbs 20 percent of the lead that they ingest and most of the lead that they inhale in their lower respiratory tract.”

What about the parents? In many ways, the adults are also locked in a circle of poverty as a result of lead poisoning.

As noted, lead poisoning is stored in bones and is released during times of stress. These moments are known to occur often during times of pregnancy and lactation when lead is delivered directly to a child, which affects his or her developmental process. Many adults rely on their children to help lift their family's place in society. However, if a child, through no fault of his or her own, is unable to do this, parents are left with the Sisyphean task of raising a child who is unable to help.

Finally, not all adults in a lead tainted environment are going to have children. This however doesn't mean that they are better off than those who do. Take into consideration the fact that lead is released during times of stress. Lead has several physiological effects on the human body that can substantially

impact a person's life. In many of the communities where lead poisoning is an issue, people also suffer from stress related to the struggles involved in day-to-day life. People are simply faced with harsh realities that they are unjustly forced to cope with—with seemingly no answer in sight.

Washington, D.C.

What started out as a quiet issue affecting the nation's capital, grew into a human rights issue that found itself in the national spotlight. Washington, D.C., has historically housed a large African American community. In the early 2000s, this community was faced with a significant water pollution crisis much like Flint, Michigan, experienced beginning in 2014. Like many cases of lead poisoning, Washington, D.C.'s citizens weren't aware of their exposure until the contamination had been going on for a significant amount of time – in this case, approximately four years.

The *Washington Post*, which noted that there was a change in the treatment chemicals in a Washington Aqueduct, first noticed the problem with the city's water. Almost immediately, DC Water changed the chemical from chlorine to chloramine. The agency did this to comply with the Environmental Protection Agency's protective rule for health known as the "disinfectant byproduct rule." Ironically, this rule was meant to protect and conserve the health of the citizens who rely on the D.C. Aqueduct as their main water source. However, the effect of the change from chlorine to chloramine only succeeded in stripping a protective mineral coating that built up from years of use. Once this new chemical stripped away this protective coating, the lead from the pipes began to seep into the main water supply.

The amount of attention that the water contamination received was rapid and widespread. The initial response was to replace the city's leaded pipes with pipes that were lead free.

However, there was a complication with this process. DC Water was not allowed to replace leaded pipes on privately owned land. Due to this rule, the city was allowed to ameliorate only a piece of the lead contamination issue. While these new public pipes were meant to fix the water's contamination, they only succeeded in making the lead contamination far worse. George Hawkins, the CEO and General Manager of DC Water describes the problem when he says, "In the short run, it [exchanging pipes] often increases the amount of lead in the water. With the physical work necessary to replace the public side service line, as you dig up the line, it's shaking and dislodging the whole system, which often means lead that has been captured or might be in corrosion is being dislodged and going into the water, just from the physical act of replacing the line." Hawkins was right. In fact, the city's new pipe plan caused such a spike in the lead content of D.C.'s water that the EPA granted DC Water permission to discontinue its plan entirely. This was just the effect of replacing the public pipes. The privately owned pipes presented their own problems, independent of the increase in lead in the water. The cost of replacing the privately owned pipes was not cheap; each repair would cost approximately \$3,000. Some people could afford this price, however paying \$3,000 was not a feasible reality for some of the city's population.

racism as a functioning component of lead poisoning becomes important here as well. For example, lead pipes are almost exclusively found in old houses and old infrastructure. This is due to lead's use in the past as an effective metal for building purposes and the lack of knowledge around the harms that lead can have on the human body. However, many of these old houses and structures are occupied by people of color. Thus, people of color are heavily affected by D.C.'s lead poisoning. It should be noted that the lead poisoning in D.C. affected a large portion of the city's population, if not all of it. Nevertheless, the issue is that there were less available remedies for people who are in a more disadvantaged position in the city.

How long did it take to remedy the situation? Is it still going on now?

Unfortunately, Washington D.C. is still dealing with its lead poisoning issues. Granted, the issues that are facing the city are slightly different from when Washington, D.C., was first made aware of its lead poisoning crisis. First, DC Water has fixed the corrosiveness of the water that led to the lead poisoning originally. This was accomplished by using a different chemical as opposed to the chloramine that stripped away the layer of minerals that was preventing lead from seeping into the city's water source. The new chemical – orthophosphate – essentially stopped the corrosive process and allowed for the transfer of clean water throughout the city's water mains. The reason it is difficult to say that the issue is fixed is because there are still numerous houses throughout the city that have private lead pipes. In addition, DC Water is unable to replace these pipes with ratepayer money, placing the burden of renovation on the shoulders of the homeowners. This is a very serious issue for many private homeowners, as many people cannot afford to pay \$3,000 to replace lead pipes. For people living in older houses, it may be even more difficult to replace their pipes depending on their financial status.

“ Socio-behavioral symptoms such as juvenile delinquency and violent crime are both commonly held stereotypes about Black children, and yet are documented symptoms of lead poisoning. ”

Who was harmed?

As is true for most cases of lead poisoning, children and mothers of color received the worst effects of D.C.'s water crisis. During the

city's attempts to fix the public lead pipes, DC Water concentrated on replacing the lead pipes leading to schools. While the primary focus has been on children of color as the main group harmed by lead poisoning, the effects of lead on adults cannot be ignored. Structural

Washington, D.C.'s water crisis affected several communities on a very intimate and institutional level. For many of D.C.'s neighborhoods, there were pipes that weren't updated due to economic reasons. What is strange however, is how the lead contamination in D.C.'s water affected some communities more than others, with some communities not being affected at all. This can be explained by the access to resources that certain areas in D.C. had. For example, it is very unlikely that the White House is serviced by lead pipes. Along these same lines, upscale areas like Georgetown are less likely to be serviced by lead pipes as opposed to areas like Southeast D.C. where economic situations are less fortunate. This also extends into homes; people who can afford to stay in higher rent districts are more likely to: 1) be aware of the dangers involved in having lead pipes, 2) have access to the information needed to know whether or not their house was constructed with lead pipes, and 3) have the resources necessary to actually replace their pipes if they find out that they're leaded. Unfortunately, this is not the case for many people affected by D.C.'s water crisis, who were predominantly working class. As mentioned earlier, structural racism has a direct impact on people of color through systematically limiting access to resources that would allow for upward mobility in one's social status. Although D.C.'s lead problem fundamentally impacted members of working class and lower income communities, the majority of those communities are comprised of Black and Brown people.

“Although D.C.'s lead problem fundamentally impacted members of working class and lower income communities, the majority of those communities are comprised of Black and Brown people.”

On the whole, it is difficult to address the lead poisoning issues that many communities of color face without first addressing the socio-economic make-up of many impoverished areas. Structural racism provides an answer for why most communities impacted by lead poisoning are Black or Brown communities. The best solution is to deal with structural

racism on a macro level by supporting the efforts that these communities have already undertaken. A more immediate solution to lead poisoning lies in adequate testing so that communities are aware of their exposure to lead. Fortunately, as technology progresses, more methods of detecting lead are becoming available. For example, as of 2012, a test was developed to measure lead in bone. This new test relies on X-Ray scans of bones to reveal lead fluorescence and, as a result, the amount of lead in a person's system. Unfortunately, although this new technology is proving effective in measuring the amount of lead in someone's body, the test is almost exclusively used for research. This means that although there are methods available that will allow for the accurate measuring of lead levels, many people are still left in the dark regarding their lead status and the toxicity of their environment. Making these tests available to the public will be a step in the right direction on the road to clean water for communities of color so that their children can drink water on a hot summer day without worry.

Ethan Floyd is an aspiring lawyer, and a graduate of the University of California, Berkeley, School of Law. His research interests include structural racism, environmental justice, and disparate impact under the Fair Housing Act. Currently, his research is focused on environmental racism and its impacts on the Black diaspora both domestically and internationally. Prior to graduating from Berkeley, Ethan served as the Co-Editor-in-Chief of the Berkeley Journal of African-American Law and Policy, where he helmed the publication of the journal's 19th Volume. Ethan's academic work is heavily influenced by his desire to put his legal background to use for exploited people of color around the world.

Endnotes can be found online at hjaap@hks.harvard.edu



Gentrify This, Juan Tapia (SJSA)

Black and Food Insecure: *Unpacking the Intersection of Race and Class*

By Marlysa D. Gamblin

Discussing the Intersection

The intersectionality of race and class can be a difficult space to occupy. It's certainly one that I had to learn how to navigate and survive within while growing up in a low-income African American household. And it's one that 9.7 million African Americans confront as well.

I remember the times when our cupboards were empty and we only had potatoes and top ramen. I remember standing in long lines in front of the church to get food donations. Back then, I didn't realize that I was food insecure, but I knew we were poor. Although I didn't have the words for it as a girl, I knew that this was a phenomenon that not only impacted my family, but also disproportionately hurt people who looked like me. And while I didn't fully understand why my household experienced hunger, I knew that race had to be a contributing factor.

“Unfortunately, African Americans saw an increase in hunger from 21.5 percent to 22.5 percent. Blacks were the only racial or ethnic group to see an increase.”

access to the food needed for good health. This can be the result of not having a nutrient-rich diet or of missing or skipping meals because of not having the financial means to purchase food. Most people think of food insecurity as hunger.

African Americans have generally been twice as likely to experience food insecurity or hunger

as the average U.S household, and this past year was no different. Nationally, hunger decreased from 13 percent in 2015 to 12.7 percent in 2016. This is a decrease of about 1 million people. Unfortunately, African Americans saw an increase in hunger from 21.5 percent to 22.5 percent. Blacks were the only racial or ethnic group to see an increase. This meant that an additional 187,000 African Americans experienced hunger. It is probable that this increase came as the result of an increase in food insecurity among African American female-headed households, since hunger also increased among U.S. female-headed households during this same period, from 30.3 percent to 31.6 percent.

There are two levels of food insecurity: moderate (low food security) and deep (very low food security). On the surface, not always having a nutrient rich diet or sometimes having to skip meals may not seem significant in the long run, but it is. Hunger is an extreme extension of poverty that impacts a child's ability to develop and a parent's ability to nurture. It can result in serious health problems, including diabetes, heart conditions, and obesity—conditions that impact African Americans at up to 77 percent higher risk levels than white Americans. Hunger can also cause cognitive delays for children, hampering their efforts to do well in school, and later graduate. This increases their risk of later becoming low-wage workers. While these are just a few examples, these impacts and others sustain a cycle of financial vulnerability and poverty for those who experience hunger.

Resolving food insecurity within the African American community is heavily contingent

on our country's ability to grapple with the origins of what has created, exacerbated and sustained structural inequality. This is one reason why it is important to acknowledge this intersection of race and hunger. Failing to acknowledge the role of structural racism will severely paralyze our ability to end U.S. hunger.

Understanding the origin of food insecurity in the African American community

In discussions of ending hunger, it is sometimes assumed that hunger is colorblind since anyone can experience hunger. But the truth is that it is the opposite of colorblind: African Americans are between two and five times as likely to experience hunger and poverty as their white counterparts. This is largely due to the historical origins of hunger and poverty in the African American community.

in the summer of 1865, he ordered all land under federal control at the time the war ended to be returned to its previous owners. This effectively left 4 million newly freed slaves who had fought in the war with nowhere to live and no assets to provide for their families.

As a result, many African Americans were forced to farm on their former master's land and give their former masters a share of their crops as a form of rent. This system was known as sharecropping. Black farmers were required to purchase all their farming materials, like seeds and tools, from their former master. In addition, many even had to take out loans from their former master to purchase these necessities. Former slave owners usually sold these agricultural inputs at high prices, only to later buy the crops of former slaves at low prices.

This predatory behavior placed black farmers in cyclical debt. They often had to buy additional expensive farm inputs to generate more profit, but later, they were too rarely able to sell their crops at a fair price so that they had any profit. This led to the further problem of farmers needing to plant and harvest more profitable cash crops, such as cotton, instead of food. This led to hunger, nutritional deficiencies, and often even larger loans to pay for the seeds to grow food. The sharecropping system lasted until 1940s, with the wake of the great depression and mechanization.

Although slavery and sharecropping have ended, other forms of structural racial inequality at the nexus of labor and living took their place. One example is the incarceration of African Americans at high rates to benefit from prison labor vis a vis black codes and convict leasing from 1863 to 1965, though prison labor continues today. Other examples include legal racial segregation through redlining, exclusion from critical benefit programs like Social Security Insurance and the GI Bill, and the creation of federally-funded highways that physically destroyed black communities and created areas where more than 20 percent of

“Resolving food insecurity within the African American community is heavily contingent on our country's ability to grapple with the origins of what has created, exacerbated and sustained structural inequality.”

Food insecurity among African Americans dates back to slavery, from the very first slave who set foot on a Trans-Atlantic slave ship in the mid-15th century and then later set foot in what we now know as the United States of America as early as 1616. The economic system of slavery did not allow slaves privileges or luxuries of any kind. The quantity and quality of food was just one dimension of this reality. Often, slaves would receive weekly food rations from their masters, which included the intestines of pig, lard, corn meal, and molasses. Certainly not nutrient-rich in any way.

After hundreds of years of unrelieved hunger and poor nutrition, emancipation brought its own implications for hunger among households of freed people and larger African American communities. Although President Johnson originally promised land to each former slave who fought in the Civil War,

households live below the poverty line. These policies have created the conditions that many of us are familiar with today, including higher levels of unemployment and low-wage work, less access to affordable and quality housing, inequitable systems of transportation, and less access to quality education. These factors contribute to high rates of hunger among African Americans.

Who is black and food insecure?

In some other communities, the most obvious gap between a group with higher levels of hunger and one with lower levels is between women and men. But African Americans experience so much racial discrimination that children, women, and men have high levels of food insecurity.

Hunger among African American women and female-headed households with children: Overall, female-headed households with children are twice as likely to live below the poverty line as the general U.S. population. This is because women face inequality in pay discrimination, gender-based violence, less access to high-quality health care, and segregation into lower-paying jobs. But the disparities increase sharply for women of color, which disproportionately hurts their ability to provide for their children. African American female-headed households are

“After hundreds of years of unrelieved hunger and poor nutrition, emancipation brought its own implications for hunger among households of freed people and larger African American communities.”

three times as likely to live with poverty than the average U.S. household. Based on my earlier analysis, I believe the same is true for food insecurity, despite USDA’s not reporting disaggregated data for this group.

Hunger among returning citizens and their families: African American men are the most likely to experience over-policing and over-incarceration, therefore, hurting their ability to provide for their families and

children. A study by the Ella Baker Center on Hunger Rights, found that 2 out of every 3 households could not afford basic needs, including food, once a family member became incarcerated. That same study found that 75 percent of returning citizens report that it was nearly impossible to secure employment post-incarceration. This explains why 91 percent of returning citizens report experiencing hunger. On top of this, returning citizens and their families owe an average of \$13,000 in court fines and fees. This is nearly half the annual income of a family at the poverty line. Those least likely to be able to pay these debts are the one-fifth of returning citizens who live in deep poverty, with an average income of only \$7,600.

Hunger among older African Americans: Older African Americans have faced a lifetime of racial discrimination in employment, social mobility, and other arenas. Since African American workers in low-paid positions have had less income to cover immediate expenses such as food, they are far less likely to have been able to save enough for retirement. The average savings of African Americans who are nearing retirement is \$30,000. This modest amount increases their propensity to hunger, and is only one-fourth the average \$120,000 in savings of whites in the same age group.

Policy Solutions to End Hunger among African Americans

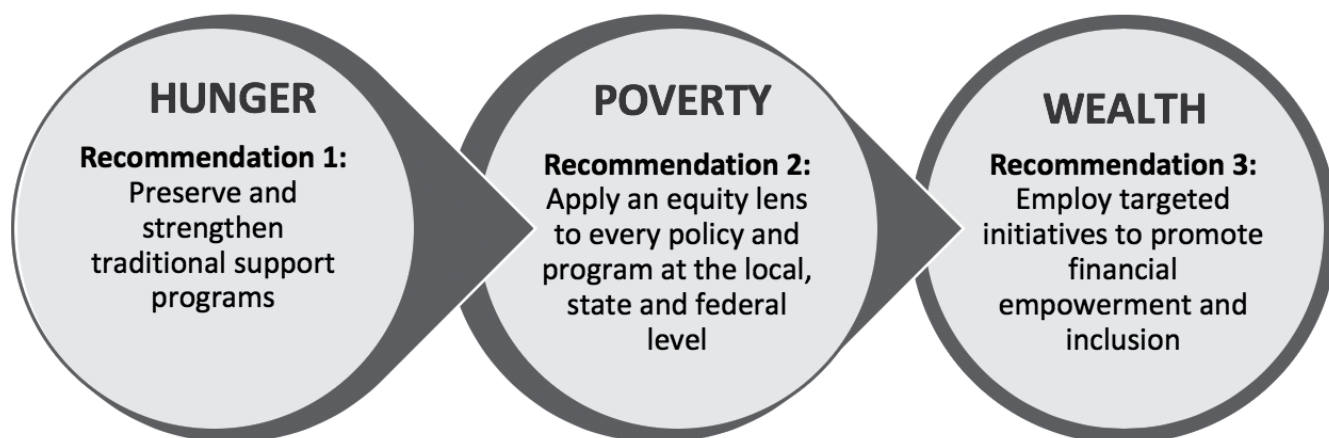
Ending food insecurity for African Americans is inextricably connected with addressing social determinants of overall health, such as affordable housing, quality education, employment, income, air and water quality, over-policing and over-incarceration, and equitable access to transportation systems. More broadly, it requires genuine racial equity and justice in all sectors. With both components, our nation will be able to overcome the racial disparities that have created systemic hunger and poverty among African Americans. However, this will

require the support and involvement of all sectors at all levels of governance on a broad range of policies and programs.

Equity means just and fair inclusion of everyone in society. Unfortunately, the construction of race created whiteness and its antithesis, blackness, which fostered an ongoing dichotomy of who policy included and who policy excluded. Applying an equity-centered approach is critical to ending hunger and poverty among African Americans, since it counters our country's history of constructing anti-black policies and programs. This approach requires that we prioritize racial equity, gender equity, and class equity. Applying these three equity lenses are critical to dismantling structural

inequality in America as we know it today.

Ending hunger is bigger in scope than having access to healthy and nutritious foods. It means reducing the vulnerability of falling into food-insecurity. This requires that we address three stages simultaneously: immediate hunger, structural poverty, and wealth creation. Addressing structural poverty and empowering families to build wealth, can create a buffer that protects African American families from falling into food-insecurity at such high rates, and move families from poverty to financial empowerment. Below are some initial policy recommendations that would reduce hunger among African Americans, and, in turn, the country's overall rates of hunger and poverty.



HUNGER

We Recommend...

Recommendation 1: Preserve and Strengthen Traditional Support Programs. There have been recent threats to cut funding for traditional support programs, like SNAP, refundable tax credits, and Medicaid. Our country can have meaningful impact on reducing hunger among African Americans. But this requires not increasing hunger levels among African Americans. To do this, we must preserve current funding levels. Seeing

funding levels drop will only increase already high food insecurity rates. In addition, we should advocate to strengthen these programs to become more effective and have more reach. This is a first step, but these programs alone are not enough.

Investing and strengthening these policies will address some immediate concerns food-insecure African American households have with their ability to feed their families. Again, these programs are not enough, and we must address structural poverty.

Preserve and Strengthen SNAP	Preserve and Expand Refundable tax Credits	Preserve and Strengthen Medicaid	Invest in other key support programs
<p>SNAP has had an enormous impact on immediate hunger in the African American community. In 2014, for example, SNAP lifted 2.2 million African Americans, including 1.1 million children, out of poverty.²⁶ Today, more than 11.7 million African Americans receive SNAP benefits to help put food on the table.²⁷ However, SNAP needs to be strengthened to last families the full month and expanded to reach returning citizens. Currently, benefits often run out in the second or third week of the month and returning citizens are partially or fully barred from SNAP eligibility in 34 states. This worsens hunger among returnees and their families.</p>	<p>Nearly 5 million African American workers benefit from the Earned Income Tax Credit (EITC). Currently, 16 percent of workers ages 21 to 24 who earn less than \$15,000 per year are African American. Strengthening the EITC by lowering the eligibility age, currently 25, and increasing the benefit available to childless workers would help prevent 2.3 million African American childless adults from being taxed into poverty²⁸ and help nearly 450,000 young African American low-wage workers pay for food and other necessities.²⁹</p>	<p>Medicaid is an affordable health insurance policy for low-income Americans. Nearly 14 million low-income African Americans benefit from Medicaid.³⁰ We must preserve and strengthen Medicaid and make investments to expand it to additional families who meet the eligibility criteria. Medicaid helps families avoid having to choose between paying for medicine or food, and reduces hunger among African American households.</p>	<p>Other key supports that should be passed at the federal, state and local level include living wage policies and employer-provided benefits. Though living wage policy will not eliminate poverty, since structural inequality will still exist, it is a good first step that will disproportionately help African Americans who are food insecure. In addition, governments at all levels should require that each job, regardless of sector or pay, have comprehensive benefits, including paid sick and family leave, healthcare, and regular schedules.</p>

POVERTY

We Also Recommend...

Recommendation 2: Apply an equity lens to every policy and program at the local, state and federal level. To end hunger and poverty among

African Americans in a meaningful way, we must tackle structural poverty and increase streams of income. In short, every program and policy must apply a racial, gender and class equality lens. Without it, we fail to disrupt the structural inequality that often gets exacerbated by instituting colorblind or race-neutral approaches.

All governments should take the Equitable Cities Assessment	Pass legislation reducing concentrated poverty	All programs and policies should be equity-centered	Undo job segregation and promote worker's power
<p>City, county, and state governments should model the "All-In Cities" initiative. The first step for cities, states, and our federal government should be to see how they are contributing to racial inequity. The initiative provides an Equitable Cities Assessment, an online survey to help municipal government leaders benchmark their strengths and improvement areas to achieve equitable outcomes.³¹ Taking this assessment will help governments identify points of improvement. Since this assessment scan equity in across every sector, governments can adopt a comprehensive approach</p>	<p>Legislation must prioritize initiatives to reduce poverty in neighborhoods with poverty rates of 20 percent, 40 percent, and even higher. While about half of all those living in poverty are white, they are less than one-fifth of those in areas of concentrated poverty. Consequently, among people living in poverty, African Americans are almost five times as likely to live in areas of concentrated poverty as whites,³² which exacerbates one's vulnerability to food insecurity. Reducing concentrated poverty would increase support for families and communities and reduce hunger.</p>	<p>After taking the Equitable Cities Assessment, communities should adopt equity-centered models and policies at the local, state, and federal levels. Equity-centered policies ensure that racial equity is actively considered and applied in policy making in ALL sectors. In criminal justice reform, for example, racial equity should be considered in over-policing, over-sentencing, bail policies, and reentry. This would reduce the current rate of over-policing many African Americans communities experience, and therefore, reduce the number of households falling into hunger because of mass incarceration. It is important to note that between 1980 and 2009, poverty would have decreased by 20 percent if it were not for mass</p>	<p>Our country must undo job segregation and create work with dignity. African Americans are more likely to be segregated in the lowest-paid jobs with the least financial security. Applying a racial equity lens to low-wage work will move more African Americans into higher-paying jobs and reduce overall food-insecurity among African Americans.</p> <p>One strategy is to aggressively recruit and train workers of color for higher-paid positions and industries. According to a report by the Joint Center for Politics, 27 percent of all African American workers are concen-</p>

All governments should take the Equitable Cities Assessment (cont'd)

to changing systems and structures that do not currently promote racial equity.

Through the assessment, policies and practices that facilitate predatory lending, over-ticketing, unequal pay by race, transportation deserts, inequitable access to grocery stores, etc. will be captured and highlighted for municipalities and states. This, in turn, can help governments and communities work toward reversing some of these dangerous practices and policies--many of which exacerbate poverty for African Americans.

Municipalities and states might consider applying to receive technical assistance and resources that the initiative provides to address the results from their assessment and achieve comprehensive, equitable outcomes for African Americans.

Pass legislation reducing concentrated poverty (cont'd)

One way to reduce concentrated poverty is by expanding affordable housing. Federal housing programs assume that families spend no more than 30 percent of their income on housing. But the majority of families in poverty spend more than 50 percent of their income on housing, and in some metropolitan areas they spend more than 70 percent,³³ leaving little room for food or much else. In 2010, federal housing assistance lifted 37 percent of families that received it out of poverty, a higher share than was achieved by any other support program.³⁴

The Bipartisan Housing Commission originally introduced an initiative in 2013 where affordable housing vouchers would be extended to all households whose incomes are less than 30 percent of an area's median income.³⁵ So, the lowest-earning families would receive sufficient housing assistance to ensure they do not have to spend more than one-third of their income on housing. Legislation to pass this initiative, and similar initiatives that provide targeted housing support to the lowest-earning families living in concentrated poverty, should be considered at the federal level, and even among state and local legislatures.

All programs and policies should be equity-centered (cont'd)

incarceration.³⁶ Considering the high level of over-policing and incarcerating the black community faces, poverty among African Americans could have reasonably decreased by 40 percent or higher if not for mass incarceration. So, addressing over-policing is crucial to our work to dismantle structural inequality and poverty among African Americans. In addition, applying a racial equity lens to sentencing would eliminate racial disparities. It could result in policies that promote retroactive sentences for African Americans currently incarcerated who have been the subject of racial inequality. Applying a racial equity lens to criminal justice would reduce the over-policing, ticketing, jailing and sentencing of African Americans, which would reduce food-insecurity levels.

An example of where a racial equity lens has been successfully applied is in narrowing racial health disparities. B'more for Healthy Babies (BHB) is an initiative in Baltimore that started in 2009 and applies a racial and class equity-lens by supporting women with high-risk pregnancies,³⁷ specifically African American women experiencing hunger. The initiative targets resources to primarily low-income African American women to counter the unequal health and nutrition they receive. After filling out a Prenatal Risk Assessment form, the women are connected to specialized resources. In addition, BHB has also conducted systemic reviews of infant deaths to work with community members to propose policies that improve services for low-income African American mothers, infants, and families. With this equity-centered approach, BHB has reduced racial disparities between African American and white infants by nearly half from 2009 to 2015.³⁸ Other communities should adopt a similar race-conscious model that targets investments to communities who face structural inequality to reduce racial health disparities, as well as other disparities African Americans face, that increase their vulnerability to food insecurity.

Undo job segregation and promote worker's power (cont'd)

trated in just 30 occupations at high risk to automation. Some include cashiers, retail sales, drivers, and cooks.³⁹ These jobs often offer low-wages with limited benefits. While this means that many African American low-wage workers are in jeopardy of losing their jobs, government entities should proactively target training support to these workers so they can transition into high-paying technology jobs that will open as the economy changes.

Employers should also provide leadership and advancement opportunities for low-wage workers of color. Currently, in the restaurant industry, for example, African Americans are channeled to lower paying busser, runner, or kitchen positions in full service restaurants,⁴⁰ instead of managerial or leadership positions which reduce food insecurity.

Lastly, unionization could empower workers, as well as preserve decent pay, benefits, and working conditions—all aspects that would significantly reduce the likelihood of hunger. Unionization rates are higher for African Americans than for whites or Latinos, and African American workers of all education levels earn higher wages than their nonunion counterparts.⁴¹ This is partially because they are 28 percent more likely to have employer-provided health insurance, 54 percent more likely to have a retirement plan, and 23 percent more likely to have paid sick leave.⁴²

“These policies have created the conditions that many of us are familiar with today, including higher levels of unemployment and low-wage work, less access to affordable and quality housing, inequitable systems of transportation, and less access to quality education.”

WEALTH

And Also These...

Recommendation 3: Employ targeted initiatives promote financial empowerment and inclusion. Without an inclusive economy that empowers African American workers, families and communities to build, maintain, and increase wealth at the same rate and value of their white counterparts, African Americans will always be more likely to fall into hunger than whites.

All programs and policies should be equity-centered

Local, state and federal agencies should pass legislation that provides targeted asset-building support for African American workers. This includes providing employer-based automatic retirement savings accounts, matching individual development accounts, among others. This will make wealth building opportunities more accessible at every work level, so that workers can have sufficient savings now and for the future when they retire.

Undo job segregation and promote worker's power

Since we have a history of inequitable stripping of wealth, the remedy would be equitable creation of wealth. In other words, there needs to be targeted investment and available financial capital that African Americans can access to build wealth. An example of this was explained in a report by Duke's Center on Social Equity and Insight Center for Community Economic Development.⁴³ The report recommended that one way of accomplishing this could be by providing significant financial endowments to young black adults to purchase assets, like a home (which would acquire additional wealth). If this were to occur, though, policies eliminating the discrimination that African Americans experience in lending practices would also need to be passed and rigorously enforced. Moreover, an endowment to invest in wealth-building opportunities that was available to African Americans at all ages could have positive impacts on the landscape of wealth in the black community, and significantly reduce the vulnerability to food-insecure among African Americans in the present and future.

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Rosa Parks, Jenny Alfaro (SJSA)



Michelle Obama, David Payan (SJSA)



Angela Davis, Gabriella Tanner (SJSA)

Life as a Black Woman

by Brianna
Kennedy

When my boyfriend calls my best friend a whore cause
she's sleeping with a white boy whose friends call her a
nigger behind her back
When my ass isn't fat enough for the Black guys and
my skin is too dark for the white guys.
My hair is too "untamed" for either or, so I'm left feeling sore.
Feeling like I'll never find love
Never know what it's like to be on cloud nine... above and
beyond. So sweet so tender so... not mine
But then I remember there is so much worse that can happen
to me in my life as a Black woman
I could be raped like millions of women or shot like my
Black family
Or even worse, a combination of the two...
On a brighter note,
I get 78 cents on every white man's dollar
But all that goes into my pocket is... 64
My womanhood is 78% and my race is 75%
So that averages out to... 64! Right?
I was never that good at math
64, probably the age I will live to see
64, the number of people I will personally know targeted
by police
64, the number of injustices done to me before I even turn four
A number so high now I can't even count to
But I knew by the age of five what not to say to who,
What stores not to go into
What people not to talk to in neighborhoods
All because I'm either not hood enough or a little too hood
I walk too fast or too slow
Up to no good being in whichever neighborhood
Constantly watched and preyed on as a young girl
Constantly watch and preyed on as a Black child
Constantly watched and prayed over as a young Black girl
Because those who came before me knew the moment
I took my first breath, what it was I would have to face
Because those who come after me will know too
Because as a Black Woman I bare no right to who I am,
because who I am will never be right to you
I will always be wrong and left
Left to cry
Left to die
Just left for no one

Brianna Kennedy is currently studying at the University of Michigan to obtain her Baccalaureate in Athletic Training and African American Studies. For her, poetry is a space to clear her head when she is in the deep contemplations of life. Feeling like a zebra in a petting zoo, she seeks to navigate through the complexities of intersectionality to make sense for her future for herself and others. Her aspiration is to be able to create a coherent forum for young people to intentionally engage with mental health, sexual health, and issues of the heart that matter to the Black community.



American Nightmare,
Sara Trail



Where is the Equality,
Yaneli Martinez

Slavefare Programs: *How Slavery and Neoliberalism Shaped* *the Workfare System*

by Michael
Banerjee

Discussion

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and to a lesser extent the Family Support Act of 1988 (FSA), included mandatory work requirements that were understood by Black mothers who received public benefits in the form of welfare, as well as leftist commentators and advocates, as the reimposition of slavery in important ways. However, these critiques aver only metaphorical, rhetorical connections between the work requirements included in workfare programs and slavery, and ignore the legally cognizable vestiges and relics of America's peculiar institution that inhere in workfare programs. This essay argues that the "badges and incidents of slavery" can be found in the modern-day workfare regime, and that the federal government is authorized to extirpate such residua of slavery. Under

“Black mothers who received welfare were denigrated by politicians during the Reagan Era as a result of having “stepped outside what society meant for black women to do: they cared for their own children rather than the children of others; they were mothers, rather than workers.”

these programs, Black women are forced to labor in order to survive in the 21st century, just as they were forced to labor in order to survive in the 17th, 18th, and 19th centuries, when America remained “a society half slave and half free.” This essay begins by tracing the workfare program's historical roots to the institution of slavery. It then tracks the underlying ideology of the workfare programs, couched in the logic of the Elizabethan

Poor Laws, which has been repurposed by the American neoliberal apparatus. Here, the term neoliberalism is used to refer to the once-fringe economic philosophy proffered

by economists like Milton Friedman and Friedrich Hayek who argued “that government intervention was the problem rather than the solution, and that ‘a stable monetary policy, plus radical tax cuts in the top brackets, would produce a healthier economy’ by getting the incentives for entrepreneurial activity aligned correctly.” The workfare requirements are, properly understood, at once a vestige of slavery and an archetypal intervention of the “neoliberal state,” which has embraced the rhetoric of “new social conservatism.” Finally, it is argued that the federal government is authorized to provide remedy for the ravages of the workfare program, as a relic of slavery, under the Thirteenth Amendment to the United States Constitution.

Eileen Boris has pointed out that workfare programs must be understood as part of a three-decade-long, virulent backlash to the gains of the modern-day Civil Rights Movement, during which Black women began to enjoy the benefits of programs such as the Aid to Families with Dependent Children program, which was later abrogated by PRWORA. In the 1960s, when Black women became mothers as opposed to laborers in the eyes of the welfare state, they were thereby transmuted, in theory, from unworthy, pathological sources of labor to virtuous mothers performing an invaluable societal function. According to Boris, “[t]he slavery metaphor loomed large because welfare reform in the late 1960s and early 1970s attempted to push back civil rights gains and continue the exploitation of African American women's labor.” In response to these gains, work requirements were implemented to “forc[e] the poor single mother who is the

only parent of her children to work or both she and her children will starve.” In 1988, through the FSA, “[m]andatory work programs became institutionalized.” Eight years later, the PRWORA “reiterated the racist rhetoric that disparaged black women.” Black mothers who received welfare were denigrated by politicians during the Reagan Era as a result of having “stepped outside what society meant for black women to do: they cared for their own children rather than the children of others; they were mothers, rather than workers.” Boris concludes that “[w]elfare reform would reinscribe black women as workers, not mothers, relegated to household labor as maids, nannies, and daycare providers for other women’s children.”

highlighted the fact that “[s]ome [welfare mothers] work[ed] for no wages.”

These workfare programs are not only properly located in the paradigm of forced Black woman labor but also in that of the Elizabethan Poor Laws. The concepts of personal and familial responsibility, tenets central to the 17th century Poor Laws, have been espoused and canonized in recent decades by the American neoliberal regime. These tenets featured prominently in the welfare reform laws of the late 20th century. Melinda Cooper has described the PRWORA as one of the capstone achievements of American neoliberalism, which advocated for the “revival and reinvention of the poor law principle of familial responsibility,” as well as the principle of personal responsibility. Remembering that the welfare reform of the late 20th century was part of the racialized backlash to the gains of the modern-day Civil Rights Movement, the imposition of work requirements can also be viewed as the neoliberal state’s response to “social movements that seek collective interventions,” as described by David Harvey. Harvey characterizes interventions of this sort as instantiations of a fundamental paradox that inheres in the neoliberal orthodoxy articulated by American neoliberals: “[w]hile individuals are supposedly free to choose, they are not supposed to choose to construct strong collective institutions.”

Boris would concur. Writing in 1998, she observed “that the welfare-induced growth of the low-skilled, low-waged labor force already has generated downward pressure on wages. Such an influx is just what employers needed to relieve a tight labor market and stymie burgeoning unionization of the service sector.” Moreover, the PRWORA embraced the ethic of the new social conservatives by proffering an “extraordinary definition of public morality” in its preamble, emphasizing the societal importance of heterosexual marriage and “responsible fatherhood and motherhood.” Thus, the slavefare program is properly understood as part of the American

“...that “[t]he stereotypes and attitudes that support racial discrimination have their roots in the system of slavery upon which the nation was founded.”” The PRWORA aimed to recast the contemporary, low-income Black mother in the image of the antebellum “mammy”—“an African American woman housekeeper or nanny who appeared to be obedient, faithful, and nurturing to a white mother and daughter,” but would fail to nurture her own children. In the popular White American imagination, “[t]he domestic was interchangeable with the woman on welfare; both were poor and black and dismissed by the larger society.” Historian Richard Rothstein has observed that “[t]he stereotypes and attitudes that support racial discrimination have their roots in the system of slavery upon which the nation was founded.” Rothstein goes on to argue that if the government fails to abide by the strictures of the Thirteenth Amendment by “actively promot[ing]” a residuum of slavery, then it has the duty to remedy the same. This assertion will be addressed in some detail below. Many observers of the workfare system in the decades following the modern-day Civil Rights Movement contemporaneously described the coercive nature of the work requirements. One perspicacious commentator characterized New York State’s work requirements as attempts “to force welfare mothers into slavery.” The same commentator

neoliberal paradigm, which has adopted the logic of the Elizabethan Poor Laws and the rhetoric of modern social conservatism.

“These slavefare programs, which grow out of the Poor Law tradition, social conservatism, and neoliberal orthodoxy, constitute a residuum of slavery, which the Thirteenth Amendment authorizes Congress to eradicate.”

As noted previously, while scholars have drawn connections between the modern slavefare programs and slavery, these pointed observations have perhaps not been sharp enough. The slavefare program, as it exists today, constitutes a “badge” or “incident[] of slavery,” within the meaning of contemporary Thirteenth Amendment jurisprudence. Jennifer Mason McAward has “provide[d] a historical and conceptual framework for interpreting and identifying the badges and incidents of slavery.” According to McAward, “the best understanding of the ‘badges and incidents of slavery’ refers to [1] public or widespread private action, [2] aimed at any racial group or population that has previously been held in slavery or servitude, [3] that mimics the law of slavery and has significant potential to lead to the de facto reenslavement or legal subjugation of the targeted group.” Furthermore, “[m]ost agree that Section 2 of the Thirteenth Amendment empowers Congress to legislate regarding the badges and incidents of slavery,” the most important assenters being a majority of the Supreme Court of the United States. In *Jones v. Alfred H. Mayer Co.*, the Warren Court held that “Section 2 [of the Thirteenth Amendment] permits Congress ‘to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.’”

Work requirements in the welfare context constitute a legally cognizable relic of slavery, even under McAward’s considerably narrow framework, as they complete the necessary trifecta: they are (1) facially the result of public action, which is (2) aimed at a previously enslaved group (Black women), and (3) mimic the law of slavery and have led to the

de facto reenslavement or legal subjugation of the group. In passing the Civil Rights Act of 1866, Congress found “that [a] property developer’s racial discrimination was a badge and incident of slavery.” The Supreme Court of the United States “endorsed [this finding] as rational,” “noting the historical link between race-based denial of property rights and slavery: ‘Just as the Black Codes, enacted after the Civil War to restrict the free exercise of . . . [civil] rights, were substitutes for the slave system, so the exclusion of Negroes from white communities became a substitute for the Black Codes.’”

The historical link between coerced Black female labor under the chattel slave system and forced Black female labor under the slavefare system is readily perceptible to those who are able and willing to perceive. While Boris pointed out the connection between the workfare programs and slavery as merely metaphorical, these connections are more literal than they are figurative. Importantly, the Warren Court noted in *Jones* that “when racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then it too is a relic of slavery.” Likewise, when racial discrimination (or, action designed, albeit fallaciously, to discriminate on the basis of race) corrals women into programs and makes their ability to feed themselves and their children “turn on the color of their skin, then it too is a relic of slavery.”

While it is well established that Congress has the authority to abolish the remnants of slavery, it has also been argued under analogous circumstances that the State has an obligation to extirpate such remnants under the Thirteenth Amendment where it is responsible for perpetuating such remnants. Rothstein has argued that where unconstitutional discrimination, which constitutes a residuum of slavery, was engendered by state action, the government is obligated to provide remedy for failing to comport with the requirements of the Thirteenth Amendment’s prohibition

on slavery. The same argument can be made in the context of the slavefare program: the government has implemented a program that includes the relics of slavery, in violation of the Thirteenth Amendment, and therefore, is obligated to undertake remedial action.

These slavefare programs, which grow out of the Poor Law tradition, social conservatism, and neoliberal orthodoxy, constitute a residuum of slavery, which the Thirteenth Amendment authorizes Congress to eradicate. Because the State itself has instituted a program in which the relics of slavery can be found, the State should provide a remedy in order to fulfill its obligations under the Thirteenth Amendment. Properly historicized, it becomes pellucid that the slavefare programs constitute a “badge” or “incident[] of slavery” within the meaning of Thirteenth Amendment jurisprudence, which at the very least authorizes the federal government to pass remedial legislation.

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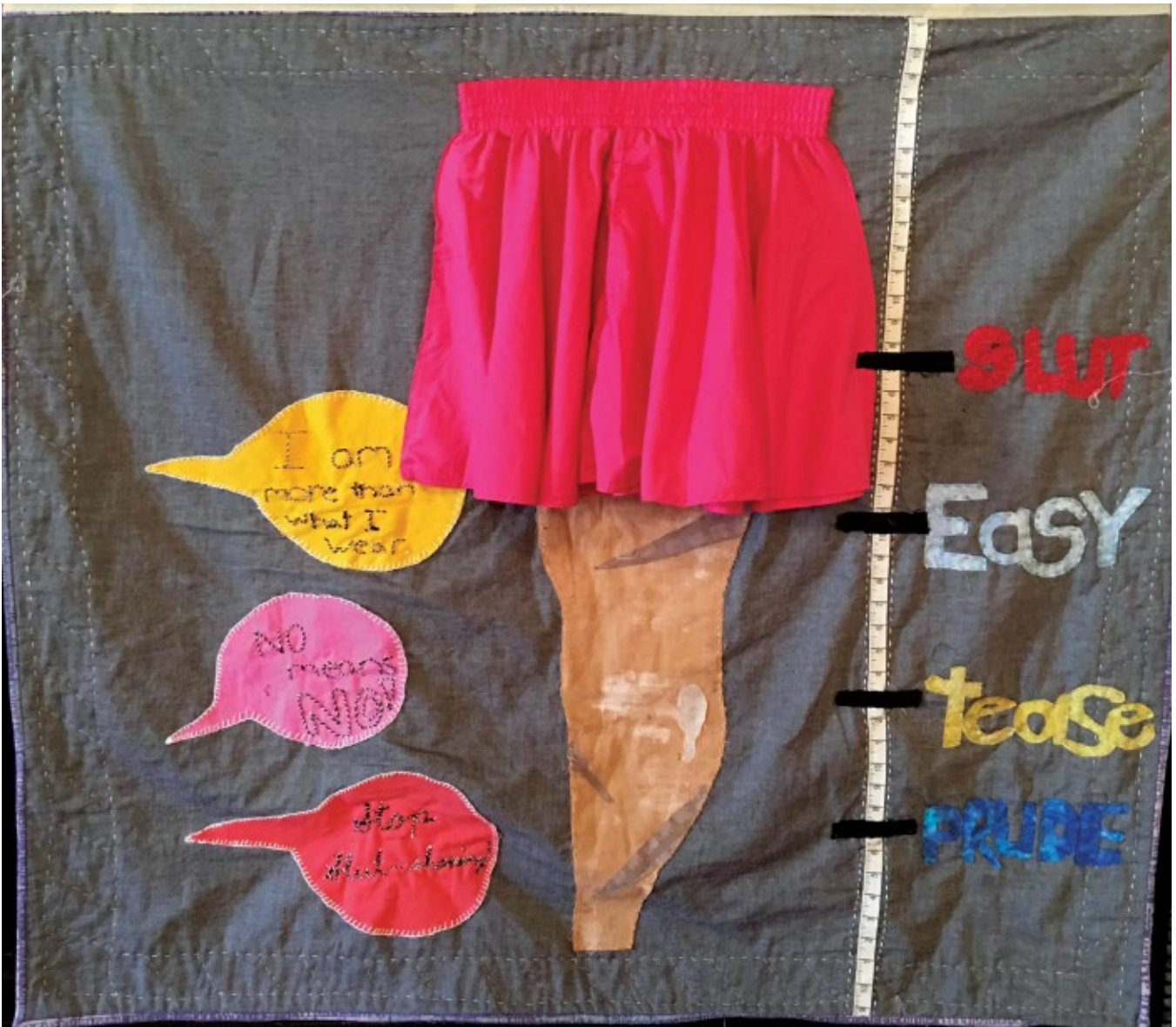
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I Am Not My Clothes, Carina Cabriaes (SJSA)

Race, (In)Justice, and the Prison Industrial Complex in Sister Souljah's *The Coldest Winter Ever*

By Rachel Wagner

Right now, it is legal in New York City for police officers to rape people being held in custody. This topic has recently gained attention after a case filed by a teen against the NYPD September of this year. Two plainclothes officers raped her while she was handcuffed in a police van. The police officers claim that it was consensual sex. When questioned about the article in the penal code that details sex offenses, a spokesperson said “it is against department policy to have sex on duty [but] the law does not preclude consensual sex between an arresting officer and a person in custody.” This type of gap in the law adds to the long list of reasons why most rapes go unreported because many cases are not even technically illegal. In her new book *Invisible No More—Police Violence Against Black Women and Women of Color*, Andrea Ritchie writes:

A national study of officer arrests for sexual misconduct between 2005 and 2011 found that [...] One half targeted minors [...] As of 2016, there are no official statistics regarding the number of rapes and sexual assaults committed by police officers in the United States [...] The limited data gathered by law enforcement officers do not include information on the number of allegations, complaints, or incidents of rape, sexual assault, or coerced sexual acts.

The lack of data and attention reflects the marginalized experiences that girls of color have with imprisonment. It is common to focus on Black men's experiences because they are more likely to be imprisoned over the course of their lives than any other demographic, but a different set of questions need to be asked to unpack the experiences that girls of color face at the hands of the prison industrial complex because structural racism and sexism account for constantly rising rates of female incarceration and the intangibility of sexual assault by police.

On the surface, it would seem that Black male imprisonment dominates Sister Souljah's novel, *The Coldest Winter Ever*. After moving out of Brooklyn, 16-year old Winter Santiago's father is arrested, despite her family's status as street royalty. The novel follows Winter's navigation of New York City after the arrest and, more specifically, the ways in which her father's sentence hovers over her. It's only in the last chapter that Winter, along with most of her childhood friends, is formally imprisoned after being caught with her boyfriend's paraphernalia. This apparent imbalance in the narrative would then mimic the important but incomplete Black-male-centric conversations about prison, race, and gender. However, Winter faces numerous run-ins with police and police figures who pursue her sexually, in addition to various other instances of symbolic imprisonment, before actually landing in prison, all of which show the unique relationship that Black girls

have with the prison industrial complex. Her experiences with prison symbolize the doubled oppression that Black girls and women face in America, as both Black and female, which stems directly from racist and sexist abuse during American slavery. Angela Davis has written in her book *Women, Race, and Class* that, “slave women were inherently vulnerable to all forms of sexual coercion.” If the most violent punishments of men consisted in floggings and mutilations, women were flogged and mutilated, as well as raped. Rape, in fact, was an uncamouflaged expression of the slaveholder’s economic mastery and the overseer’s control over Black women as workers” (Davis). The constant threat of both imprisonment and rape throughout the novel presents an accurate portrayal of the complicated experiences that Black girls and women often face with American policing.

than anything, and to recycle Angela Davis’s question in Ava Duvernay’s documentary *13th*, what does it mean to be a criminal in this book? Winter’s narrative exposes stories about sexual assault and manipulation by police officers that effectively criminalizes the sexist, racist, and classist system Winter navigates. Her first person narrative gives voice to the traditionally silenced voices and hidden spaces, which often escape people’s conscious thoughts when thinking about the problems within the prison system.

It is during a solo visit to her father in prison when Winter faces one of many uncomfortable situations with police figures. She explains, “I wasn’t there in the waiting room ten second before some armed corrections officer picked me out of the huge waiting room crowd of women [...] He had a confident smile on, like he was Ziggy or something. Both of his hands rested by his gun.” Her response to his attention shows both an eagerness to use her attractiveness as a way to speed up the wait and an instinct to follow police orders. He quickly reveals himself as predatory through the pleasure he takes in seeing her take orders, much like she is a prisoner already. Her response to his overindulgent attitude, though, is to size him up too. She notes the placement of his hands and the presence of a gun, which shows that she instinctively pays close attention to threatening body language. The “confident

“This type of gap in the law adds to the long list of reasons why most rapes go unreported because many cases are not even technically illegal.”

responsible for thousands of teenagers, women and men, staying out of prison because they read the book and now understand the truth of the drug deathstyle.” The lesson about greed can also be a lesson about the prison industrial complex. Capitalist greed, which profits off of imprisonment, is rooted in racism. These interconnected cultural aspects play a role in over-imprisonment in this novel. Souljah’s presentation of rigid dichotomies, like rich and poor, White and Black, and right and wrong, play on her readers’ sense of justice. In “A Hip Hop, Afro-Feminist Aesthetic of Love: Sister Souljah’s *The Coldest Winter Ever*,” Stephanie Dunn argues that the novel is “apocalyptic” and that “we may surmise that her fate is just punishment.” While it may be tempting to want to see Winter change her ways somehow, prison is inherently immoral. The questions build up: Does she truly deserve jail time? Does anyone? More

Souljah has written and spoken extensively about the intention of her book, which makes it especially easy to be guided into the moralistic nature of the story. She has said that the book “could become

“...but a different set of questions need to be asked to unpack the experiences that girls of color face at the hands of the prison industrial complex because structural racism and sexism account for constantly rising rates of female incarceration and the intangibility of sexual assault by police.”

smile” and resting hands directly reflect his own self-awareness as the power holder during their encounter too. Even “picking [her] out” shows his boldness and constant, unquestioned access to women’s bodies.

This encounter with the guard gets worse when he starts speaking. When she gets close enough to him:

He said, “Now, let me guess which one of these losers you’re here to see [...] I can’t understand it [...] I see it everyday. Y’all get all dressed up to see these animals who can’t do nothing for you. You ride one train, two trains, a bus to see these fools [...] a brother with a good job and benefits can’t get a play? So how ‘bout it, cinnamon? [...] Pass me your number. I’ll call you as soon as I get off. I’ll take you to lunch, dinner, breakfast [...] Wherever you want to go.” I wanted to scream on this asshole but he had a gun.

“Winter’s narrative exposes stories about sexual assault and manipulation by police officers that effectively criminalizes the sexist, racist, and classist system Winter navigates.”

He uses an emotionally manipulative sequence of pickup lines, as if he is approaching her on the street. He insults her father, thinking he is

her boyfriend, shames her for visiting him, and then infantilizes her with a nickname — all before showing his complete and immediate availability. Ritchie points out that, “sexual violence by the police just becomes part of a seamless web of sexual harassment, assault, and violence” that women of color face each day. It is “simultaneously ordinary and out of the ordinary.” Although, ordinarily she would “scream on this asshole,” she could not because the threat of imprisonment, rape, or death are all nearby. The repeated mention of the gun here shows that she has to remind herself to be fearful during this “ordinary and out of the ordinary” encounter. Ritchie notes that, “young women are particularly at risk:

in a 2003 study of young women in New York City, almost two in five young women described sexual harassment by police officers. Thirty-eight percent were black.”

Later, while she shops alone, a store worker accuses Winter of stealing and she is selected to be searched. Stop and frisk procedures like this one, which stem from the war on drugs, target girls and women of color in unique ways. Ritchie explains, “while at one time the perception was that women were less likely to be stopped or searched by police on the streets, officers’ tactics shifted over time to proactively engaging in public strip searches.” The store worker gets Winter to follow him into the back for a private strip search by saying, “listen, miss, here are your options. You can cooperate with me, or I can get the police involved.” He then repeats that threat when she wants to leave. He says, “I can still get the police,” he threatened. “They can get a warrant and search you [...] thoroughly. I can make you sit and wait for them to get here.” The language he uses in offering her an idea of the things he “can” do to her shows that he is confident in his power and privilege. Ritchie notes that, “by its very nature, sexual violence is hidden away from public view, witnesses, and cop-watching cameras, making it more likely that complaints will be deemed unsubstantiated. Because officers can often rely on threats of force or arrest.” This man uses the threat that officers will actually treat her worse, or more “thoroughly,” than he will as if he knows the police will be within their rights to violate her if he tells them that she stole from the store. Here, he plays both sides of the law to violate her himself.

Because “‘routine’ frisks and scans can quickly escalate to strip searches,” it is important to note how rushed this assault becomes. After just one seemingly normal motion down her back, the sexual assault begins. She continues:

This bastard, whose hands couldn't stop shaking, ran over the center of my back, right down along my spine. Facing me, he then ran his two hands from my shoulder blades right over each of my titties, cupping them a bit [...] "Take off your skirt." [...] I looked down at this man's little hard dick poking through his pants.

“The repeated mention of the gun here shows that she has to remind herself to be fearful during this “ordinary and out of the ordinary” encounter.”

His instructions to her are an attempt to make it seem like she is complicit. In other words, he could theoretically take her skirt off himself, but

asking her to do it would feed into the fantasy that she wants him. Winter watches him closely, noting his shaking hands and his “little hard dick,” just like the guard's hand and gun in the previous scene. A moment later, a woman security officer walks in, and her presence saves Winter from any further violence. Instead of exposing him, she rushes to just escape the situation alive, which is the goal of all rape victims. Ritchie explains that “it is estimated that one-third of rapes and sexual assaults are ever reported. This rate is no doubt far lower among women who are raped by the very law enforcement agents they would have to report to.” These numbers make sense because of the systematic power that policemen have, but the missing data also reflects the narrative that Black girls and women are, as Davis writes, “viewed as ‘loose women’ and whores. Black women's cries of rape would necessarily lack legitimacy.”

Later, Winter offers a view to the inside of her women's prison during her 15-year sentence. Beyond the social climate, which consists of an uncomfortable community between girls who are both enraged with one another and also need the protection of a group, she explains:

Naked wasn't nothing to me. I done seen thousands of breasts and hundreds of asses by this time. It was almost the same as seeing someone fully clothed. In the beginning, I would try to cover myself up. But surprise searches in the middle of the night would have sixty chicks standing side by side, butt-naked, then squatting for a rectal inspection. We are naked in the wall-less shower. Naked in the bing, naked, naked, naked it meant nothing.

Winter's use of the double negative “wasn't nothing” and repeated “naked, naked, naked” ironically suggests that nakedness actually does matter to her. Visibility in this instance is not only a reflection of racialized and gendered social invisibility, but it also shows, again, how quickly people can be socialized to view sexual assault as normal. Ritchie points out that, “they constitute ‘state-sanctioned sexual assault,’ rendering sexual violence an inherent part of policing [...] Cavity searches are often justified on the basis of deeply racist, ‘sexist, culturally based belief’ [...] that women are capable of carrying drugs and weapons inside their cavities, and do so regularly.” Unsurprisingly, this method of bodily surveillance goes back to American slavery. Davis explains:

The reliance on rape as an instrument of white-supremacist terror predates by several centuries the institution of lynching. During slavery, the lynching of Black people did not occur extensively—for the simple reason that slave owners were reluctant to destroy their valuable property. Flogging, yes, but lynching, no. Together with flogging, rape was a terribly efficient method of keeping Black women and men alike in check. It was a routine arm of repression.

“Visibility in this instance is not only a reflection of racialized and gendered social invisibility, but it also shows, again, how quickly people can be socialized to view sexual assault as normal.”

American policing follows this model by stripping imprisoned people of their sense of shame to gain compliance.

What is most striking about all of these situations is not that Winter does not report them, which makes a lot of logical sense, but that Winter never reflects on these situations afterwards. Instances of sexual assault are so deeply rooted in her life that none of them seem to stand out to her as especially traumatic or legitimate. The missing emotional reflection

“The missing emotional reflection invites concerns over the discomfort that girls and women have in their own bodies, especially in terms of the guilt and shame associated with sexual assault.”

invites concerns over the discomfort that girls and women have in their own bodies, especially in terms of the guilt and shame associated with sexual assault. The narrative that certain types of harassment, assault, and rape are not “that bad” is important to analyze as a way to understand this line of thinking. Reading this first person, fictional story as confessional builds on the intended moral from ways to avoid prison to respecting the stories told by girls and women. Listening to people’s experiences is the first step in changing the way people envision police brutality against women of color and the laws that back it up. Mass incarceration of Black people in America is more than those physically in prison; it’s also sexualized, psychological imprisonment.

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Got Justice? Ashley Morales (SJSA)

Callously Colorblind:

A Critique of Color-Neutral Policies Through the Lens of Feminism

by Aaron Francis

The notion that every person need look past color for ascension into “post-racial”-ness is all too familiar. Supposedly, this commitment to colorblindness lifts the veil of racial influence from society’s eyes and frees people from the ills of “stigmatic harm, racial inferiority and racial hostility.” It allows people to *finally* view the world through an objective lens; one not muddied with the petulant antics of racialization. While theoretically “progressive” on the surface, there are very few things more irritating than hearing a person claim they do not see color. For one, suggesting that historically marginalized groups could be “free” from racial politics or the stigmatic harm of racism once already practiced indicates a willful naiveté about, or gross misunderstanding of, racialization’s impacts. More importantly, such a position underestimates (or endorses) the insidiousness of racism, white supremacy and their ability to appear deceptively harmless.

“While theoretically “progressive” on the surface, there are very few things more irritating than hearing a person claim they do not see color.”

The way colorblindness functions is both complex and surreptitious. Take for instance *Maheer v. Roe*. At first glance, *Maheer* is a case about whether indigent women had a

fundamental right to state-funded, non-therapeutic abortions. But careful analysis of the case reveals that the use of “indigent” may have been more equivocal than referential. For starters, *Maheer* argued that Connecticut needed “to control the amount of its limited public funds...allocated to its public welfare budget.” Although the Court doesn’t explicitly rely on it in their reasoning, *Maheer*’s claim suggests an unworthiness about the women involved. Something about these “indigent”

women made them *undeserving* of Connecticut’s assistance. The Court’s unwillingness to adopt a more aggressive level of scrutiny is arguably corroborative of *Maheer*’s sentiment. “[We have] never held that financial need alone identifies a suspect class for purpose of equal protection analysis.”

Maheer, then, may not simply be a case about poor women, but rather *undeserving* poor women. This distinction is important because it forces us to query what might make a poor woman categorically *undeserving* of welfare funding. Almost immediately, images of a woman both “uneducated...[and] stupid, yet smart [and manipulative] enough to shift to the government the costs of maintaining her lifestyle” are conjured up; the welfare queen. She is shrewd. She is deviant. She is irresponsible. Most importantly, though, she is black. Though never explicitly raced as such, decades of recurring images of black women as stand ins for poor, *undeserving* welfare recipients have done the work that words never had to. But therein lies the danger of colorblindness.

This ubiquity of the welfare queen demonstrates both the subversive nature of white supremacy and the irrationality of colorblindness. Racism is fluid. Its influence cannot be limited to terms of race, nor its effects merely ‘backspaced’ from history. Indeed, in ‘colorblind’ cases like *Maheer* – cases without any mention of race at all – it is clear that nothing need be explicit about race for its impact to be reproduced. In the same way that “black [became] virtually synonymous with ‘slave,’” laws and policies have pushed us to readily, almost automatically, associate social and economic disadvantage with blackness.

Through figures like the welfare queen, ‘colorblind’ proponents are continuously given a green light to “gesture toward race” rather than face the amoral ascriptions involved in explicit mention of it.

“...images of a woman both “uneducated...[and] stupid, yet smart [and manipulative] enough to shift to the government the costs of maintaining her lifestyle” are conjured up; the welfare queen.”

But the true nefariousness of colorblindness cannot be understood by solely focusing on cases where communities of color are negatively impacted by its adoption. In fact, it is the cases that presumably further the rights of racial minorities that are most telling. Take *Whole Woman’s Health v. Hellerstedt* (WWH) for example, another ‘colorblind’ case. In WWH, the Court ruled that states such as Texas could not erect barriers to abortion even in furtherance of a rationally based interest. By adopting an unprecedented “strict scrutiny”-esque level of review, the Court balanced the interest of the implicated women with the state’s supposed interest in promoting health. The Court in doing so protected thousands of abortion-seeking women from the undue burdens that would arise from policies such as Texas’ H.B. 2. Juxtaposing WWH with *Maher*, however, raises several interesting questions regarding the populations involved in the cases, the Court’s reasoning process, and more largely, the culture of feminism.

“In the same way that “black [became] virtually synonymous with ‘slave,’” laws and policies have pushed us to readily, almost automatically, associate social and economic disadvantage with blackness.”

For all intents and purposes, WWH represents a victory for the women’s rights movement. It maintained that all women should be allowed to pursue an abortion without the undue burden of state interference. But, to what extent might WWH have been more successful than *Maher* simply because of the population implicated? While WWH certainly works for the benefit of indigent and/or colored

women, might one make the argument that WWH would have been decided differently if only those women were implicated? Might subliminal images of black, undeserving, poor welfare queens have clouded the Court’s reasoning? Ironically enough, Justice Thomas’ dissent in WWH suggests it might.

Justice Thomas begins by pointing out an interesting peculiarity regarding WWH; mainly, the Court’s decision “not [to] question whether doctors and clinics should be allowed to” have third-party standing. He argues that “the Court’s permissive approach...deprives [them] of the information needed to resolve [the issue].” He continues on, expressing his “astonishment” over the Court’s willingness to adopt what is effectively a judicial review standard resembling strict scrutiny. Though Justice Thomas is oft critiqued for his inability to acknowledge or consider important context, his confoundedness with the Court should not be ignored. There’s something irregular about the Court’s reasoning in WWH; a willingness to bend, or re-think, precedent in a manner that seems inconsistent with the Court’s prior approaches in cases like *Maher*.

“Might subliminal images of black, undeserving, poor welfare queens have clouded the Court’s reasoning?”

As Justice Thomas poignantly identifies, the Court goes to great lengths to protect the rights of the women involved. But, while their efforts and methods should be lauded, it begs the question: why wasn’t such jurisprudential justice employed for the indigent women in *Maher*? What juxtaposing *Maher* and WWH suggests is that such justice is hard to achieve when the issues facing *certain* (poor, colored) women aren’t also the issues facing *all* (white) women. The true danger of colorblindness, then, is not that it only works against the interest of women of color, but that it can simultaneously work in their favor as well. It is this very duality of colorblindness that

has become part and parcel to the story of traditional feminism.

“It’s this failure of feminism to interrogate race that allows its resistance strategies to remain complicit in the replication and reinforcement of colored women’s subordination.”

only ‘of a certain subset’ of women, propelling feminist ideology to move forward uncritically without proper consideration of their unique oppression. And so, as one would expect, the ‘woman’ referred to in feminist ideology becomes essentialized as white. But essentialization is merely a function of colorblindness; it contains the same ability to neglect or disregard important racial context. This essentialized or colorblind approach to feminism is the reason why cases like *WWH* can be celebrated while cases like *Maher*

Feminism purports to represent all women through the invocation of the term ‘woman.’ Yet time and time again, women of color’s experiences and interests are excluded from the narrative. They are perceived as being

unchallenged. It allows feminists to ignore the role racialization played in indigence becoming synonymous with black in one, but also cherish the progress made in furtherance of ‘all’ women’s rights in another. It’s this failure of feminism to interrogate race that allows its resistance strategies to remain complicit in the replication and reinforcement of colored women’s subordination. Relatedly, it is colorblindness’ inherent failure to consider race that allows naïve or racist people to reproduce and perpetuate shortsighted or harmful policies for people of color.

Endnotes can be found online at hjaap@hks.harvard.edu



In League: *A Critical Review of the National Football League's Domestic Violence Policy and Toxic Black Masculinity*

by Isis Freeman

Introduction

This paper aims to critically explore the NFL's Domestic Violence Policy and how the culture of toxic masculinity that is hailed in football culture informs this Policy. Drawing from the parallels between the NFL and the American slave trade, I posit that certain rituals and behaviors are accepted and lauded to maintain a social order over black masculinity and further the narrative of black men as beasts and animals to continue to profit from them. Particularly, I am interested in exploring the evolution of the Policy and the manner in which the Policy purposefully falls short, so as to continue to allow NFL culture to inform and normalize general societal behavior (thus furthering the profitability of the League). Ultimately, I hope to illustrate the platform that the National Football League has to invoke change in

“White men invented black masculinity, as we know it, through the commandeering of the black male body.”

American culture and highlight the reasons it has intentionally failed to do so.

The Molding of Black Masculinity

Understanding black masculinity requires a cursory glance into its construction. The concept is one forged in the fires of enslavement, oppression, and manipulation, crafted according to careful mutilation and watchful degradation. For those within the black community, the black man has endured despite. For many outside, stereotype lends to a narrative that he has endured because. These stereotypes

insist that the black man is instinctive and animalistic; he has an impressive physical prowess and a body built to tolerate immense pain; he is irrational, feeling rather than reason his mistress; he cannot be tamed, but he can be broken; he needs careful instruction lest he be left to his own devices.

History tells a tale of white men boiling black men down to their bodies, and from that place reimagining those same bodies for profitability. The bodies of black men are “one of the greatest innovations of the twentieth-century... invented because black masculinity represents an amalgam of fears and projections in the American psyche which rarely conveys or contains the trope of truth about the black male existence.” White men invented black masculinity, as we know it, through the commandeering of the black male body. This also means that what is culturally understood as black masculinity is a brand.

Though history books would tell it that the Civil War, Reconstruction, the Civil Rights Movement, and Barack Obama restored self and autonomy to black men, the equation is not quite so simple. While several large moments in time have moved the needle for the black community, little attention is paid to the systems put into place and maintained that are inherently counterproductive to these strides. Even less attention is given to those institutions that were created for a completely different primary purpose, but have found a role in retaining, reinforcing, and rebranding stereotypes and biases of black masculinity.

This is not intended to remove responsibility from black men. On the contrary, black men still have a responsibility to push their own narrative, to reclaim their personhood. What this article seeks to do is to implore black men to think critically about one of the primary institutions that they hold dear and protect fiercely, reconciling their love for a game with their love from themselves, and ultimately

“...black men still have a responsibility to push their own narrative, to reclaim their personhood. In other words, sports in the antebellum South were a mechanism for continued oppression and black male emasculation.”

challenging this institution to relinquish the unsavory narrative of black masculinity that it profits immensely from for the good of American society at large.

The NFL as a Vessel to Maintain the Slavery's Status Quo

The coopting of the black body for profit is far from novel in American history. The institution of slavery exhibited white men's capacity and willingness to use and brand others to build for themselves long ago. In fact, “[b]lack bodies in pain for public consumption have been an American national spectacle for centuries.” What places the National Football League in conversation with this reality is the manner in which American slavery developed the relationship that currently exists between black men and sport.

Black slaves were an integral part of the evolution of sports and sports culture in America by the early eighteenth century. “A rising aristocracy began to use sports to increase and extend its power,” and thereby developed the idea of black slaves competing against one another for the pleasure and entertainment of their white owners. While entertainment was the primary purpose of these matches, numerous scholars, including Frederick Douglass, have attested to sports having beneficial impacts on slaves in the eyes of plantation owners. The first of these was to reinforce hierarchy. “To the extent slaves participated in sports, their involvement reflected the prevailing attitudes

regarding race. One such attitude was that whites were dominant and in control, so that African Americans assumed subordinate roles.”

Secondly, and likely more importantly, sports were used to curb certain thought processes, reactions, and drives. The plantation owner employed sport to craft docility. “Sports on the plantation were used as diversion to dull the revolutionary instinct. Many slaveholders felt that contests [...] were an ideal way for slaves to safely take out suppressed anger, aggression, and hostility. They felt that the competition dulled the revolutionary inclination...” Frederick Douglass went so far as to say that “Southern plantation owners used ‘those wild and low sports’ to keep blacks ‘semi-civilized.’” In other words, sports in the antebellum South were a mechanism for continued oppression and black male emasculation.

While recognizing the utility sports held in the eyes of slave owners, it is equally as important to consider their impact upon black slave men. Sports were an outlet, a platform of expression, communication, and limited, but still meaningful autonomy for black slaves generally. The ability to showcase creativity and skill provided the opportunity to search for personhood amidst the inhumane institution of slavery, and “[s]ports, for [...] enslaved men [...], became a ritual of reclaiming one's manhood.” As important as this ritual was for the psyche of black male slaves, this practice likewise created a problematic link between black men's sense of masculinity and sports, aggression, anger, and force.

This link has only been reinforced by years of segregated sports practices and remnants of slavery rhetoric persisting in sports talk, both of which the National Football League is no stranger to. The structure of the NFL mirrors the reinforcement of hierarchy that white plantation owners sought, with white men holding primary positions within the league like commissioner, team owner, general manager, and head coach, while black men exist primarily in the player and position coach

“The structure of the NFL mirrors the reinforcement of hierarchy that white plantation owners sought, with white men holding primary positions within the league like commissioner, team owner, general manager, and head coach, while black men exist primarily in the player and position coach realm.”

of black masculinity. Finally, certain NFL rituals, like the NFL Combine are so akin to slave auctions that players themselves have expressed deep discomfort. Year after year, the NFL reproduces the fetishization of the black male body on the auction block with droves of white gazes pouring over the examination and testing of the bodies of black men.

All of this imagery plays a role in retaining, reinforcing, and rebranding stereotypes and biases of black masculinity. Professor Duru notes that “rather than signaling an end to discrimination in sport, [b]lack visibility in collegiate and professional sports has merely served to mask the racism that pervade[s] the entire sport establishment.” Unless illuminated and examined, these racist structures will to continue to exist, and of more concern, to inform. Though the NFL’s racist hierarchy, racist language, and slavery reenactment Combine are all problematic, the NFL’s domestic violence policy, and handling of player participation in domestic violence issues, currently stands as the league’s most egregious, toxic, and profitable influence on black masculinity.

realm. Furthermore, the descriptions used to describe skillful players, language like “beast” and “animal,” cannot be considered in a vacuum. Not only are these terms directed at a predominantly black workforce, but also these characterizations were the same ones employed against the predominantly black workforce of slavery. This language lay at the very heart of white owner branding

The NFL Domestic Violence Policy

“Under the Constitution and By-Laws of the NFL, the NFL commissioner may discipline players who are ‘guilty of conduct detrimental to the welfare’ of the NFL.” Ultimately, this provision in the Constitution and By-Laws of the National Football League allows the commissioner to set forth practices and procedures necessary to maintain the integrity and image of the NFL. Commissioner Goodell has himself spoken to his role in directing the NFL’s ethical regime, stating, “Character and values sit[s] above everything else because [the NFL represents] something that means so much to so many people.” Although Commissioner Goodell’s comment seems commonplace, this recognition of the NFL’s calling to act as an ethical “city upon a hill” is a very recent public relations development.

“The NFL’s new domestic violence policy does just that. It creates the illusion of change, having the organization go on record as against domestic violence.”

In 2014, Ray Rice only received a two-game suspension following his arrest for domestic violence charges. Following heavy criticism for his course of action for Ray Rice’s domestic violence scandal, Commissioner Goodell sent a letter to NFL team owners disclosing the National Football League’s new domestic violence policy. The “new” policy created a more structured blueprint for disciplinary action in domestic violence incidents. First-time offenders receive a six-game suspension while a second offense would warrant a lifetime ban from the league. The second-time offense sentence more realistically, though, looks like an indefinite suspension with the potential for reinstatement after one year. When viewed more critically, however, the policy has very few new components. Instead,

the process prescribed remains under the league's Personal Conduct Policy, which, as noted above, already allowed the commissioner complete discretion to dictate suspensions for policy violations. Essentially, Commissioner Goodell merely codified the authority already granted him. The question is "why?"

Further evidence of this illusion of change lies in the NFL's overall reaction to off-field problematic behavior. Rather than consistently punishing for both on-field and off-field behaviors, or better, correcting on-field behavior and off-field behavior that impacts game outcomes, the NFL picks and chooses the behavior it addresses. The NFL has had no issue consistently taking disciplinary action against players for off-field conduct such as drug use, drunk driving, and racist or homophobic statements. These behaviors are punished because they impact profitability. A drugged-out player cannot perform at his maximum capacity for the league. A dead or severely injured player cannot profit the league. A racist or homophobic player spouting off turns off crowds of potential consumers from the game. Furthermore, such a player has a brain and his own feelings, attributes that thwart the image of a simplistic, brutally forceful task team of black beasts.

“In other words, the NFL is the perfect institution to effect change.”

The conduct that remains inconsistently addressed, even following the issuing of this new and improved domestic violence policy, adds to the NFL's desired perception of animalistic authenticity through toxic black masculinity. “[T]he [NFL has] been inconsistently punishing players for certain off-field criminal behavior-- arguably implicitly condoning the off-field criminal behavior that typically goes unpunished, such as violence against women.” The new policy serves as an explicit condemnation of domestic violence, while its inconsistent application of this policy speaks to an implicit acceptance of this behavior.

Though some scholars assert that “[t]he leagues' historical lack of action with respect to domestic violence and sexual assault suggests they tolerate this behavior, and do not see it as harmful to society as the other off-field behavior they consistently condemn,” this

“The issue is in fact that conducting a cost-benefit analysis for the league itself reveals that the economic benefits the league receives from this behavior overshadow the social costs.”

The Illusion of Change

Perception is more often than not reality. Most successful organizations understand this truism. The NFL is chief among these, and its domestic violence policy course of action is a primary example of this. This move was a calculated and self-interested one. “Both the owners and players have a stake in maintaining the public image of their leagues and acknowledge in their collective bargaining agreements that off-the-field misconduct may be detrimental to their league's success.” League success is dependent upon a series of perceptions: the perception that the game is authentic; the perception that the league is upstanding; the perception that the players live for and in the game. “Although it is uncertain whether any negative publicity regarding domestic violence results in financial losses, the conduct clearly tarnishes a league's image in the eyes of the general public.” And it is this tarnishing that the NFL cannot afford.

The NFL, therefore, must do a very particular dance in which it maintains the organization's image as upstanding, while also proffering a brand of player that lends to the game's perception of authenticity. The NFL's new domestic violence policy does just that. It creates the illusion of change, having the organization go on record as against domestic violence. At the same time, the league's continued inconsistency in addressing player domestic violence evidences that this policy, this change, is but a mirage.

thought process is misguided. The issue is not that the NFL believes domestic violence to have fewer social consequences than say drug use. The issue is in fact that conducting a cost-benefit analysis for the league itself reveals that the economic benefits the league receives from this behavior overshadow the social costs.

“Though it is difficult to quantify the effects that the NFL’s condoning has had on domestic violence incidents, this difficulty does not diminish the league’s responsibility to take positive action.”

This realization begs the question, who is responsible for the general failure to address and condemn domestic violence? Harvard Law graduate Bethany Withers posits, “At this point, it is unclear whether the justice system is failing to successfully prosecute athletes because the public (i.e., jurors) has received the message from the leagues that domestic violence and sexual assault are mere distractions, or whether the leagues have failed to take action due to their reliance on flawed law enforcement practices.” It is undisputed that law enforcement practices are outrageously lackluster when it comes to the issue of domestic violence. The NFL, however, has far more responsibility in this fact than initially meets the eye.

The NFL’s Social Currency

The National Football League, and institutions like it, holds an immense amount of social capital. Beyond simply showcasing some of the most talented and skillful athletes in the country, the NFL puts a certain brand of manhood on display. Without a doubt, “[w]hat happens in these [pro] sports is a form of instruction and a national classroom.” Author Mariah Burton Nelson asserts that “manly” sports shape the dominant culture in America, and simply watching these games informs violent attitudes against women. The pull and influence that the NFL has over the American populace, particularly of the men who inform their own definitions of

masculinity based upon the brand of masculinity sold by the NFL, is unprecedented, rivaled only by the U.S. military. As Kim Gandy, president and CEO of the National Network to End Domestic Violence stated, “Beyond addressing issues of player discipline, I would hope that they would use the power of the NFL’s brand to begin changing public attitudes about masculinity and violence ... I think few entities in the country that have the ability—both financially and in terms of impact—to accomplish a thing like that.” In other words, the NFL is the perfect institution to effect change.

Recognizing this influence and recalling the NFL’s implicit acquiescence of certain problematic behavior players act out against women, it should come as no shock that the league has a responsibility - a duty of care - to shape and shift moral consciousness. “Some theorists argue that because the “meaning of violent acts towards women is generated in a sociocultural context that fosters, shapes, and justifies the use of violence to maintain a male-dominated status quo,” leaders of all social institutions that contribute to the development and maintenance of male violence against women, including sports figures, must participate in the effort to combat domestic violence.”

Particularly because these practices of assault and violence cannot be separated from the very nature of the game of football, the NFL has an obligation to differentiate and speak out against domestic violence and sexual assault off the field. Though it is difficult to quantify the effects that the NFL’s condoning has had on domestic violence incidents, this difficulty does not diminish the league’s responsibility to take positive action. As Mariah Burton Nelson put it, “Even if the role of sports leagues in creating a culture where violence against women is tolerated is minimal, action by the

leagues to discipline abusers could still have a positive impact and set an example for other social institutions.”

This action does not look like a shiny new domestic violence policy that still lacks consistent application. It does not look like random programming and commercials that speak out against domestic violence. These tactics will not suffice, and the NFL knows this. These methods alone allow the NFL to continue to have its cake and eat it too, to appear upstanding while peddling problematic manhood. What positive action looks like is dependent primarily upon the source. True change must come from the place where men are informing themselves, and men are learning and redefining manhood based upon players. It is therefore only if these players are corrected and punished for their violence against women that the average viewer will critique his own behavior.

tions, noting, “[Gambling] will get a player banned right quick, and there will be little clamoring from the NFL about due process. Why? Because gambling, like steroids, gives the image of an artificial on-field product, which has a direct correlation to ... the ‘business’ of the NFL. Violent crime, on the other hand, apparently does not.” In other words, the only behavior that is problematic for the league is behavior that directly impacts its systemic capacity to earn capital. The NFL must work overtime to maintain a certain level of authenticity to profit.

This also means that the NFL does little to nothing to address socially problematic behaviors that aid in its perceived on-the-field authenticity. In fact, to an extent, the league is willing to enable such acts, so long as this rubber-stamping is not called out, as visibility of the rubberstamp would likewise thwart the illusion of authenticity. The consequence is that the NFL condones certain behavior that adds to the aggressive, blood thirsty, skillfully savage, calculatedly bestial image of the game of football.

It does this by its insistence upon the continued commandeering of black bodies, and by padding the stereotype of black bestiality through its lackluster domestic violence policymaking. The moment the NFL posits that players, the majority of which are black men, are not inherently aggressive and animalistic creatures, a small window is opened in which the potential for duality is introduced. If these players have duality, if they have two modes of being, one of which is performance-oriented, then the mirage of on-field realness is shattered.

The NFL profits from the illusion of on-the-field authenticity. Jeff Benedict and Don Yaeger uncover this economic structure when comparing the league’s handling of gambling accusations versus domestic violence accusa-

“Rather than nurturing toxic black masculinity for its own profitability, the league ought to confront problematic behaviors and ideals within its institution head-on.”

The NFL’s Use of Its Influence for Profitability

Knowing that it not only has an immense platform to inform social norms, but that the public expects it to utilize

this platform, the league takes advantage of its station to continue the subjectivity and subjugation of black men. By endorsing a certain brand of toxic black masculinity, the NFL maintains a status quo in which it continues the century-old tradition of profiting from black bodies. Were it to truly shift, perceptions and conversations revolving around domestic violence and sexual assault, the NFL would become the catalyst of its own undoing.

Conclusion

Ultimately, the National Football League has the capacity and the responsibility to pursue and inform healthy masculinity. The NFL stands at the intersection of attitudes about race, gender, and economy in a place of rare influence. Rather than nurturing toxic black masculinity for its own profitability, the league ought to confront problematic behaviors and

ideals within its institution head-on. Acting in such a capacity, the NFL has the power to not only transform cultural and social norms in American society, but to heal communities.

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Endnotes can be found online at hjaap@hks.harvard.edu



CYMERA , Cortney Robinson - Being Left Out

“Being Left Out”:

Black Women in the Law in the U.S. and Australia and the Effect on Black American Women’s Psyche

by Neena Speer

Storytelling the Experience

Not one Black woman was on the faculty when we walked into morning tea. Not one Black woman wore a judge’s robe in the state court or the Supreme Court field trips. Not one Black woman presided over the High Court upon our lunch with the Chief Justice. Not one Black woman was present in the legal clinics we visited for class. When we walked around campus, not one Black woman served as a law intern nor was seen in the commons areas around campus as a staff member. Often, it is when we see exclusion in its more extreme forms that we see the detrimental effects it can have on our psyche. Too often, as many legal scholars have noted, such as in the foreword written by Richard Delgado in *Critical Race Feminism*, “we fail to notice the missing woman of color.” Too often we make excuses as to why things are missing from society with a common phrase: “that’s just how it is there.” However, we were challenged in class to push back from the inevitable acceptance rationale and to become critical thinkers when it comes to comparative gender law.

“Too often we make excuses as to why things are missing from society with a common phrase: “that’s just how it is there.”

profession in the United States. The exclusion of Black women generates an underlying effect that this experience — both here and abroad —

created in me. As a Black and Indian woman interested in pursuing a lifelong career in the practice of law, I constantly have feelings of defeat, hopelessness, and a baffling sense of determination. According to Derrick Bell, the first tenured African-American professor of law at Harvard Law School who is largely credited for being one of the originators of critical race theory, “many women of color derive strength from oppression” and that is a “puzzling contradiction” to many. However, it’s more important to know why a Black woman should “have to” suffer oppression to be successful? The answer is far more complex and warrants an explanation.

Feeling Defeated

Walking in, I saw a myriad of faces looking back at me with welcoming, warm, and inviting eyes. Some were Asian, Indian, Caucasian, women, men, older, and younger. Not one single person in the room was Black, from the law school faculty to the High Court to the Parliamentary House to the Supreme Court to the lawyers and clerks and interns we met. Not one single representative we met was Black. When you realize the missing component of a classroom, you are typically far away from your comfort zone. We were the representation of what our law school students looked like: seven Black women. However, the irony is that most law school populations, even at our

school, do not have a large number of Black students. There, we are the minority group. When I walked in as a 1L, I remembered feeling the way I did in Australia, but then I saw admissions counselors, law professors, attorneys, judges, and law clerks who contradicted the hopelessness one feels when they encounter a new environment where they are not represented in high places.

“...we were missing from the conversation, missing from legal professional roles, and more importantly just missing in general.”

I remember feeling upset because I was a privileged Black and Indian woman who was blessed with this opportunity to learn from the greatest legal minds at the Australian National University. I could not identify it at the time, but Black women were missing from my learning environment. I struggled with the material, and I found I had no one to look up to who looked like me who took Australian law courses and ascended to a position of leadership in the law. Many times in class we talked about how women were unrepresented in the law field. I remember thinking, “what about Black women?” Are Black women supposed to be the martyr yet again for the White feminist movement? Do they assert their personhood and intersectional experience? I was not sure which was the correct answer until we had our most poignant discussion about essentialism and intersectionality. The view was that you were Black and a woman at the same time, but being a “Black women” came with a whole different set of experiences.

The book title from Crenshaw’s article illustrated why this issue was so important to me when we were discussing what made the “Black woman’s” experience different? The book was entitled *All the Women Are White, All the Blacks Are Men, But Some of Us Are Brave*. Yes, some of us are brave like the Michelle Obama’s and the Oprah Winfrey’s, but what about the girls like me who want to succeed and lack the encouragement or support? This is why I felt defeated when I was in my chair because most times in the United States.

I feel like I have to “be brave” to achieve acknowledgment, acceptance, or respect. I also saw in Australia that successful Black women were missing from the conversation.

To illustrate this point, think about the Black girls who were taken in Nigeria. These girls received little to no coverage in our own mainstream media. This is one example of what most people did not notice when they were in class with us. However, my experience is that typically we are erased in small forms that progressively become worse. For example, our hair has to be coiffed a certain way to be socially acceptable for a job interview. That does not mean much at first. However, when our culture is appropriated by a majority group and others are rewarded for it, it hurts to feel that yet another part of your identity is being stolen from you.

Another example is when Melania Trump plagiarized First Lady Michelle Obama’s speech. A teacher of mine said that somewhere in history they will talk about Melania Trump’s speech as if it was hers all along. Michelle Obama’s work product again will become erased. We did not have that conversation in our Australian law class because it is difficult to speak about what is missing when you do not encounter it enough to know it is a problem.

When I left Australia, I knew one thing for certain: we were missing from the conversation, missing from legal professional roles, and more importantly just missing in general. That is a problem. One that needs to be addressed because otherwise the effect that it has on our psyche can be dangerous in the movement towards feminist social change, especially one that seems to be talking about including multiple ethnicities. There are challenges that are created in the learning environment when your top leadership does not reflect your growing student populations. It creates a false image of what successful people look like, forcing people like me to do what I had to do: be a plant growing through concrete.

Challenges to the Learning Experience

The challenges encountered in the learning environment in the United States can be seen in the decrease in student academic performance. With the minority demographic in schools increasing, school systems should bear the burden of recruiting teachers who meet the racial and ethnic similarities of their students. The counter to cultural diversity is not having diversity and encouraging acceptance of all backgrounds that can lead to reinforced entrenched views of minority groups:

“Multicultural displays and assignments are particularly fraught with the potential to produce such perceptions. Rather than researching the great diversity which exists in any society, individual members of different ethnic groups are represented in grass skirts, grass huts, teepees, igloos, with spears, bows and arrows, and so on.”

That is the reason why most people think Africans still live in huts and have no paved roads, no advanced government, and still need “our charity.” If one truly understood culture and people, he or she would not joke about things so lightly. Most people do not take the time nor the opportunity to understand people at their level, which is why a Black and Indian woman like myself feels uncomfortable in a learning environment where my teachers do not look like me.

My experience has been a combination of studying both in America and in Australia where many challenges persist. Not having any Black female or male role models before

“They identify her as remarkable and extraordinary because she endured societal abuse, barriers, resistance and still came out defying all odds.”

one goes to law school causes many problems for us that we have not expressed. That is because we had to be the Black role model to break the mold. Many times, in a learning environment “sheer determination brings black women through” the most difficult barriers and circumstances in their lives to achieve their unique purpose. On one hand, I saw how not having Black teachers in high school led to my feelings of hopelessness, but I also had the opportunity to see the benefits of having Black professors at my alma mater and at the law school level and how it had a profound impact on my academic performance.

A Black woman can graduate at the top of her class and still not receive the recognition she deserves simply because she is a Black woman. They identify her as remarkable and extraordinary because she endured societal abuse, barriers, resistance and still came out defying all odds. It is inspiring that a Black woman can come out of immense oppression with profound strength and resolve to fight another day in the classroom, in the courtroom, and in the boardroom. However, the challenges that they face are part of this ingrained system of in-group discrimination, and it has created immense challenges in the classroom that have affected the developmental mores of adult Black women.

One challenge in schools is that Black women are suspended far more frequently at an early age for vague misbehavior like “disobedience/ disruptive behavior.” This means that Black women are socialized to believe that standing up for themselves is not acceptable and any form of talking back is automatically punishable by society. Thus, the effect becomes that a lot of them do not get angry when they get to the professional world even if someone harms them because they are avoiding being written up — or worse fired — for having an adverse opinion.

Another challenge is that Black women are far more likely to face sexual harassment than their White female counterparts. This means that Black women become socialized to “just deal with” sexual harassment because when they dealt with it as a kid, it either went unreported or no one took any action when they spoke up about it. Thus, the effect is that Black women have become hypersexualized in the professional world and are subjects of many demeaning and in fact inappropriate questioning by potential or past employers where most people just expect them to deal with it. This happened in the Anita Hill case when the law professor came forward to tell her story and was vehemently dragged through the mud by academics, politicians, and mass media as “having an agenda” against the Supreme Court appointee at the time, Clarence Thomas. In fact, she not only was discredited but vilified for even coming forward. This happens often in this field as her case soon became the impetus for more Black women to speak out.

Lastly, a major challenge Black woman face is that they are most likely to be held back or score low on standardized testing. A *Huffington Post* article about the problems and challenges Black females face in school notes that the disparities in performance between White and Black girls is the result of inexperienced teachers and lack of resources, but I insist that it is deeper than experience. It is failing to see at an early age Black women in teaching roles. Such role models could have helped them combat the personal obstacles they faced for “insubordination” to White teachers and sexual harassment by both their White and Black classmates.

“The way to help our Black female students is to give them a voice at the top and show them that by being an example as an institution that you demand they are at the top too.”

In all, being suspended for “disobedience,” being sexually harassed constantly at school, and being held back or scoring low academically are all situations in which having a Black professor, teacher, counselor, or even principal — someone with whom they could confide in who truly understood what they were facing on a daily basis — would have benefited that Black child. However, when I arrived in my Australian law classroom, I remember feeling like that little Black girl again who was not able to truly speak up at times because my classmates and my professors did not really understand me. I was uncomfortable walking around at night because I was again in an environment where I was the subject of constant come-ons and propositions.

To conclude, I was not able to find a Black professor or lawyer who could even tell me how they went through my exact experience and found success. That experience as a whole had a profound effect on me because the very barriers in the classroom for me all stemmed from one glaring problem: there were no Black women in the law.

Lasting Impact of Lack of Diversity at The Top Positions

Ursula Burns, chairman and chief executive officer of Xerox Company said, “It’s no secret that diversity of thinking on senior leadership teams is critical to innovation and long-term success in today’s changing, connected world.” There have always been two-prongs needed to make lasting impact in the top positions even in the legal field: diversity and inclusion. “Diversity is being invited to the party; Inclusion is being asked to dance.” We were invited to Australia to be a part of this amazing study abroad program (the party), but we were not being represented in the legal field (being asked to dance). In this comparison, the music was simply not for us. We were not there to see ourselves in the shoes of the

court representatives and barristers, but to be observers at the party where we watched others perform in the courtroom (dance).

When I compare my experience in the United States with my experience in Australia, I noticed one huge difference: diversity at the top positions is still not happening in Australia. When we talked about the women who made it into Parliament, we spoke about the “women they wanted to win” and the “sprinkling of Aboriginal women.” Unlike the United States, Australians seem to be struggling with recognizing Aboriginal leaders in critical roles whereas here we have Michelle and Barack Obama to look up to for guidance. However, I noticed a trend in both countries for leadership by minorities to be temporary. Following the minority leadership, we see a resurgence of the same old traditional people running again.

Lasting change will begin to happen when we have those conversations in classes about how we are missing Black faculty and staff, Black administration, Black legal role models, and why that is critical to our personal and academic growth while we are here. These conversations are not easy and are often not even pleasant because it forces people to give up the “privilege” some enjoy of being in the majority. For example, there’s a seat you love sitting in, but one day someone who gets there first is sitting in it. You can no longer sit in it. You really liked that seat and do not understand why you have to share it. You never had to share it before, but now you do. That’s how we treat conversations about diversity in the legal profession. “Why should I have to be in classes with Black people? We have enough already.” Sometimes we look at that hypothetical and say it’s unfair that someone else is sitting in “my seat,” but we miss the fact that someone else “got there first.” That means, someone else got up earlier than you did, worked harder than you did, and beat your best time. Instead of learning how to be better and pivot like Black women do, most people complain to the administration that it

is unfair that a Black women got a chance to do something they were used to doing.

We’ve found that when at least one member of a team has traits in common with the end user, the entire team better understands that user. A team with a member who shares a client’s ethnicity is 152% likelier than another team to understand that client.”

The lasting effect will be better understanding and thus better performance when we include more Black women in the top roles in the United States and in Australia. It is impossible to understand something you have not experienced. Though you can empathize, you need a person to relate their experience to you. For example, in class I remember being asked to read the abortion stories of countless successful women in a brief to the court. That allowed more of my classmates who were staunchly opposed to abortion to see the human element of these women. The same comparison rings true with “Black women” who are missing in representation from the legal profession. The way to help our Black female students is to give them a voice at the top and show them that by being an example as an institution that you demand they are at the top too. An age-old adage: “I hope we all win” has to become the culture of the legal profession in the context of equal racial representation.

Neena Speer is an aspiring lawyer, a published writer, and CEO of her own non-profit. Neena has contributed essays to online publications including the Southern Journal of Policy and Justice (for their Fall 2017 Journal) and the National Conference for Undergraduate Research Journal (for her undergraduate honors’ thesis). Neena has a BA (in French) and a BS (in Psychology) from Howard University and a JD from The University of Alabama School of Law.

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Say Their Names,
Sara Trail (SJSA)



I Can't Breathe,
Yoseif Teckle (SJSA)

Fixing the Harvard Kennedy School of Government

by Shaniqua McClendon

The Harvard Kennedy School's website states that it "brings together students, scholars and practitioners who combine thought and action to make the world a better place." It goes on to say that it gives students the skills to be effective leaders and that the faculty and research centers pioneer bold new ideas, while the curriculum is designed for real world impact in real time. However, what appears to be a school at the forefront of policy change is actually an institution lacking in its ability to understand the underpinnings of the complex issues facing the 21st century.

“The school is failing to meet the criteria necessary to train public servants who can solve issues that continue to exist because of the school's inability to come to terms with the truth about the foundation of this country and its institutions: racism.”

As a part of Harvard University and as one of the world's top public policy schools, the Kennedy School heavily influences the direction of many policy conversations, setting the tone for how leaders approach problems facing the world. Unfortunately, because of its inadequate curriculum, the Kennedy School is falling short. Ultimately, the school is failing to meet the criteria necessary to train public servants who can solve issues that continue to exist because of the school's inability to come to terms with the truth about the foundation of this country and its institutions: racism.

If the Kennedy School truly wants to fulfill its mission and train public servants to effectively address today's most pressing policy questions, it must update its curriculum to reflect an understanding of American democracy, which historian W.E.B Du Bois described as being founded on the exclusion of Black people.

While this work is extremely difficult, it is the necessary test of leadership if the Kennedy School is to become a steward of 21st century leadership.

As writer James Baldwin asserts in "Many Thousands Gone," our current culture ignores the ways in which racism, specifically anti-Black racism, shapes the very being of who we are as a nation. It is this exact problem that the Kennedy School needs to recognize and acknowledge if it is to train fully equipped practitioners to better the world, and such acknowledgement will require an updated curriculum.

The Kennedy School's current curriculum is built on the belief that American ideals are sufficient to overcome racial inequity, but ignores that those same ideals were founded upon White supremacy. This belief creates blind spots in the teaching of the school's faculty and, by extension, their students' approach to public policy, allowing them to ignore the racial realities that are present in the policies and institutions that govern us. If the Kennedy School were truly equipped to train 21st century leaders, these blind spots would not exist.

Race and racism are not merely theoretical or abstract concepts, but are real and have material impacts that can be addressed through public policy. Unfortunately, as we are seeing around the world, public policy is being used to advance racist agendas. From voter disenfranchisement laws in the United States to the anti-immigration Brexit vote, public policy is being used to undermine our global society's 21st century ideals of inclusive democracy.

“By ignoring or mischaracterizing the root cause of the challenges we face, we continue developing policies to address problems that are perceived as opposed to those that are real”

By ignoring or mischaracterizing the root cause of the challenges we face, we continue developing policies to address problems that are perceived as opposed to those that are real. This usually serves the purpose of legitimizing White people's belief that racism is not at the core of who America is. If they ignore how they have benefited from racism and White supremacy, they are absolved of their responsibility to fix the problem. Therefore, understanding the role racism played in forming the character of this country and the policies that govern it is critical to limiting White people's denial of responsibility. Many believe it is the responsibility of the oppressed to address issues centered around race and racism. However, this work must be done in large part by White people who remain the beneficiaries of the status quo.

Fortunately, the Kennedy School can fill this leadership void and change the conversation by reforming its curriculum to approach policy creation through a lens that recognizes Black subjugation as the foundation of all existing policies, with the ultimate goal of dismantling the power of whiteness.

This work is especially important for the Kennedy School because it is part of a long legacy of liberal institutions that have sought to distance themselves from White supremacy instead of working to dismantle it. The school itself must recognize its own complicity in this effort in order to effectively train the next generation of policymakers and move forward as a true 21st century leader. If not, well-intentioned policy makers who lack the understanding necessary to face their own biases will continue to engage in creating racist policies.

Understanding racism may seem like a small part of what is necessary to address today's most pressing policy questions, but it should be at the center of our efforts. As journalist Ta-Nehisi Coates points out in “The First White President,” racism, or in this case the power of Whiteness, is what undergirded Donald Trump's presidential victory.

Trump's victory not only displayed how entrenched racism is in our country, but showcased middle and high-income Whites' refusal to acknowledge how prevalent it still is. Their immediate conclusion was that limited economic opportunities for the White working class, not racism, drove Trump's success. As Coates points out, this is not new. He writes, “Few national liberal politicians have shown any recognition that there is something systemic and particular in the relationship between black people and their country that might require specific policy solutions.” By clinging to the safe appeal of colorblindness, liberals and institutions like the Kennedy School ignore that Black people, specifically, fare far worse than everyone else when it comes to measures like median net worth, unemployment rates, and the proportion of those living in poverty.

While these indicators and outcomes are a clear indication that this work is needed, it might not be as clear why the Kennedy should take the lead in this effort. It is up to White people, or in this case White institutions like the Kennedy School, to take the lead on fixing these problems, since they have most benefited from White supremacy. The list of benefits is long, but the stolen land on which this institution is built and the stolen labor with which it was built are grounds enough. Furthermore, the school must understand that merely talking about racism is not enough. As Baldwin points out in “My Dungeon Shook”, fixing the problem is only possible when people and institutions who benefit understand white supremacy and seek to

end it. This point is further underscored by historian Lerone Bennett, Jr. in “The White Problem in America” where he explicitly points out that Black people’s existence is the result of White people’s thoughts and treatment of them as a means to secure scarce resources and succeed.

Much like the United States, the Kennedy School has tiptoed around the racialized context of public policy. As historian Nikhil Pal Singh writes of Duke Ellison in *Black is a Country: Race and the Unfinished Struggle for Democracy*, America has retouched the facade of national idealism while simultaneously trying to suffocate the ugly realities of freedom. In performing this balancing act, Singh continues, the United States both creates a contradiction of freedom and equality in the face of the violent realities of racism, resulting in cognitive dissonance. This also seems to be the case at the Kennedy School, which is the only explanation for claiming to pioneer bold new ideas, while advancing a curriculum that perpetuates the same kinds of policies that continue to support White supremacy at the expense of those most negatively affected by the status quo.

In today’s modern society we need anti-racist policies that address the issues facing this country by recognizing its history. The Kennedy School can take an active role in promoting these policies by implementing the following recommendations.

“A significant part of the W.W.C. has succumbed to the ills that used to be associated with the black urban “underclass”: intergenerational poverty, welfare, debt, bankruptcy, out-of-wedlock births, trash entertainment, addiction, jail, social distrust, political cynicism, bad health, unhappiness, early death.”

Update Its Flawed Curriculum

The Kennedy School prides itself on having a curriculum that teaches its students how to use data to inform thoughtful, research-driven policy creation. However, in providing students with the confidence to engage data in their decision-making, the curriculum fails to adequately expose students to the ways data can be manipulatively derived and interpreted. This gap deludes students into trusting data as an objective source, but ignores its historical misuse. As laid out in historian Khalil Gibran Muhammad’s *The Condemnation of Blackness*, data has been routinely used to drive racist ideologies that inform policy creation that undermines black humanity.

Additionally, if students are tasked with going out into the world to develop policies that better citizens’ lives, especially our most vulnerable populations, they must thoroughly understand the circumstances under which these people came to be in need of policy interventions. Specifically, they must understand the role that racism and White supremacy have played in creating the circumstances that make the outcomes used as data and then in turn drive policy creation.

In order to remedy current curriculum gaps, the Kennedy School should require all statistics courses to devote more of the curriculum to the ways in which data can be manipulated, and include specific examples of how it has been done throughout history to advance a specific ideology. The school should also host various events centered on providing greater context on the role race has played in shaping our governing institutions and public policies. Students could be required to attend a certain number of these events in order to graduate.

Better Equipping Deficient Faculty

In order to effectively teach a new curriculum, faculty must be equipped and willing to reflect through their pedagogy their understanding of history's role in shaping policy. If faculty do not understand this or are unwilling to incorporate new concepts that correctly reflect the role racism has played in our country, it will further challenge the Kennedy School's status as a 21st century school capable of addressing the problems of a modern world.

To help prepare faculty to teach in line with the new curriculum, faculty should receive specialized professional development, detailing the ways in which their discipline has been shaped by race and racism. They should then be required to have that content incorporated into their teachings, and their progress should be judged through course evaluations.

Completing Its Mission

Currently the Kennedy School's mission does not include a commitment to ending racism or White supremacy. This omission sends a message of ignorance or indifference on the part of the institution for wanting to engage in this work, which is not characteristic of a school seeking to address 21st century policy challenges. Whether intentional or not, the school must take steps to reframe its mission and prioritize dismantling racism and White supremacy for a more inclusive democracy. As a part of this reframing, the Kennedy School should announce the curriculum shifts as a new approach to policy development. The

“By not addressing these problems head on, we risk leaving the fight against White supremacy unfinished and the casualties will continue to be people of color as they try to create equity with a very inadequate tool box.”

Kennedy School should also establish a research center focused on issues of race and racism. Devoting greater scholarship to this area will allow the school to engage in credible research to inform curriculum changes and faculty development.

Finally, the Kennedy School should embark on a school-wide, multi-year project that aims to develop a 21st century civil rights bill. This endeavor would require staff to integrate the effort throughout all academic programs, faculty to be knowledgeable enough to equip students with tools to participate, and students trained well enough to produce substantive policy ideas. The Kennedy School could then work with federal lawmakers to influence efforts around passing a modern civil rights bill.

Conclusion

What I have laid out is ambitious and explicitly tied to fighting racism. Many may argue that these race-specific reforms should not be the focus of future policy efforts because all kinds of people are suffering. Some may even go so far as to argue that we should actually focus on the needs of White people who are struggling because they offer insight into the problems affecting our nation as a whole. This is the overarching point made in writer George Packer's *New Yorker* piece, "Hillary Clinton and the Populist Revolt." Packer argues that instead of devoting so much attention to identity politics, White working-class voters need to be attended to. He further asserts that this demographic supported Trump because no one was listening to them and Trump was able to speak to their economic frustrations. However, he includes a very telling line that undermines his entire argument. Packer writes, "A significant part of the W.W.C. has succumbed to the ills that used to be associated with the black urban "underclass": intergenerational poverty, welfare,

debt, bankruptcy, out-of-wedlock births, trash entertainment, addiction, jail, social distrust, political cynicism, bad health, unhappiness, early death.” This reveals that Black people have been facing the same social deficiencies, but it only matters when they are experienced by White people. If our policies are focused on responding to the explicit needs of White people, they are destined to ignore the needs of Black people, who have always fallen victim to the needs of White people.

A more damning rebuttal to Packer’s argument is that White people of all income levels were more likely to support Trump. Having support across all classes of Whites tells us one thing, that preserving the privilege of Whiteness is important to most White people. And by preserving it, it will continue to come at the expense of non-White people.

Finally, Packer’s insistence that Democrats focus on the economic plight of the White working class ignores the fact that the party did prioritize the economy, and still lost. It is possible to want to dismantle racism and better the economy, but that is not what this is about.

As we have seen before, poor White people will always come before the interests of Black people. If history is any indicator of what really drove so many White people to support Trump, we need only look to the New Deal. When it comes down to spreading opportunity, race always trumps any other commonalities. Despite working class Whites and Blacks both being in a position to benefit from New Deal programs, it was only extended to Whites. Singh captured this in sharing Du Bois’s thoughts on the New Deal that Black people would never achieve equality by becoming part of a colorblind coalition.

By not addressing these problems head on, we risk leaving the fight against White supremacy

unfinished and the casualties will continue to be people of color as they try to create equity with a very inadequate tool box.

Fixing these issues internally will help the Kennedy School reach its stated goal of having a more diverse student body and solidify its position as a 21st century leader, because it would no longer privilege experiences bolstered by White supremacy.

In closing, I want to leave you with a line from the Coates piece that stuck with me the most. He writes, “Trump more than any other politician, understood the valence of the bloody heirloom and the great power of not being a nigger.” The Kennedy School can do something to change this or continue building its legacy upon it.

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Endnotes can be found online at hjaap@hks.harvard.edu.



K is for King,
Bianca Mercado
Activist ABC Series (SJSA)
Artist Statement:
[www.sjsacademy.com/
activist-abcs.html](http://www.sjsacademy.com/activist-abcs.html)



O is for Obama,
Bianca Mercado
Activist ABC Series (SJSA)
[Artist Statement:
[www.sjsacademy.com/
activist-abcs.html](http://www.sjsacademy.com/activist-abcs.html)

Popularizing Wokeness

By Sam
Whiteout

Doing good should be encouraged and celebrated on every level of society, yet we find ourselves in a precarious situation of constantly having to second guess the motives of the do-gooder and the real impact of the good done.

This isn't a completely new conundrum, per se, but it is one that has been exacerbated by the ways in which being woke is now cool and trendy. Woke is a term around which an entire lexicon of activist, academic, and pop culture verbiage has emerged. Simply put, to be woke is to be aware. Getting woke and being woke and staying woke and wokeness generally refer to being aware of social issues and social justice.

While wokeness now covers basically every social issue from race to gender to sexuality to religion to ability, the term originated in the Black activist community **in the early 1960s**. It wasn't until 2012 or so when the Movement for Black Lives, which is often incorrectly referred to as the Black Lives Matter Movement, rose to national prominence that wokeness entered the national discourse.

“Fundamentally, though, wokeness is rooted in Black activism.”

Since then, the language of wokeness has exploded, and the context in which that language is

used has changed the entire nature of the conversation. **StayWoke** is an organization and “digital accelerator that engages thousands of learners, builders, and activists in the work of advancing equity and justice in America.” #StayWoke can be used as a serious hashtag or one that mocks the conspiratorial folks who use wokeness to call the masses sleeping sheep.

Fundamentally, though, wokeness is rooted in Black activism. Wokeness is not a state of

being that is achieved; it is a state of learning in which one is always growing. Wokeness is not an awareness level reached; it is an orientation to the world predicated on prioritizing the experiences of those often ignored and acting on it to do good.

Today, being woke and doing good have become part of the pop culture and have certainly become a bit diluted in the process. Many of the grassroots activists who you might expect to wear their wokeness as a badge of honor now use the various terms less and less to avoid being associated with its satirical and cynical connotations. Specifically, wokeness has lost some of its connection to Black activism. However, the idea of being woke and doing good is only more and more powerful in the culture at large. Social good is resonating more than ever with folks across the country. With popularization comes monetization.

This begs several questions. How do we take advantage of this trend to encourage folks to do good and to integrate doing good into their everyday lives while slowly but surely raising the bar for what qualifies as doing good? How do we sniff out those who do good in ways that are disingenuous and intended to manipulate this trend for their benefit without actually doing the good?

The paradox is pretty clear. If we celebrate the littlest and most banal good done, we lower the bar to the point that everyone can be woke and cool and good without actually doing any good. But if we create an impossibly high threshold for what counts as doing good, then we discourage people from even trying, which will ensure wokeness doesn't stay cool for very long.

“...let’s be honest about the paradox.”

My suggestion is simple: let’s be honest about the paradox. Let’s celebrate folks doing good while making sure the conversation doesn’t end without turning that inspiration into momentum for more good to be done. And let’s be frank about the attempts to be woke that are too meager in their effort to warrant praise while making sure that conversation doesn’t take place in a contextual vacuum.

Companies and brands and celebrities recognize that, particularly on social media platforms, doing good is powerfully attractive to people, which makes being woke marketable and profitable. As with anything that scales up to the so-called mainstream, aka white pop culture, this presents complications. And as expected, there are examples that run the gamut from brilliant modes of leveraging the social clout of wokeness to do good to gross and obvious attempts to profit off wokeness.

“And all of these examples demonstrate that authentic representations in media of marginalized communities are immensely popular and profitable.”

Black Panther has taken the world by storm. Pretty much everything about this movie is phenomenal. The movie itself is in the conversation for best superhero movie ever made. It’s thrilling and exciting cinema with richly developed characters and poignant comedic relief. But we all know that *Black Panther* is more than just a great superhero movie. There has never been a movie on the world stage that so powerfully, authentically, and beautifully portrayed Black people. *Black Panther* was directed by a Black man, stars an overwhelmingly Black cast, and tells a Black story that isn’t a biopic and *doesn’t* involve portraying Black folks as slaves or servants. The movie is super Black and super good and, yes, super profitable.

People have been calling for more diversity, inclusion, and equity for marginalized com-

munities in media for years and years. Often times, though, it is framed as a moral call to action because we allow ourselves to accept as true the myth that doing the right thing will cost more money or, at the very least, not make much money. Yet *Black Panther* is on the cusp of bringing in over \$1 billion, and the film only debuted in China on March 9th. Shonda Rhimes basically owns an entire day of national television, and her shows are not brilliant in spite of them being diverse but rather trace much of their brilliance and popularity to being diverse. We are bearing witness to huge shifts in the way marginalized communities are being represented in media. Ryan Coogler is a testament to that. *Black Panther* is a testament to that. Shonda Rhimes is a testament to that. Ava DuVernay is a testament to that. And all of these examples demonstrate that authentic representations in media of marginalized communities are immensely popular and profitable.

Whether it’s in film or sports or politics or business, we assume that doing the right thing and making money are diametrically opposed. That is a lie. *Black Panther* is a brilliant example of what happens when Black creatives are given actual resources to bring authentic stories to life. We must rid ourselves of the cancerous excuse to conduct business as usual that you can’t do good and be successful at the exact same time. Being woke and being successful are linked in conjunction, not in opposition.

By no means, though, does the success of a couple of movies or directors or showrunners solve the problem, but we should celebrate and champion these examples to ensure that it is not a passing trend of wokeness but a new norm. We should celebrate and champion the Ryan Cooglers and the Shonda Rhimes and the Ava DuVernays with the utmost enthusiasm. So, too, should we applaud the mostly white men who greenlit their projects and gave them the opportunities and resources they

have long deserved. This is the tricky part. How do we navigate encouraging more of this without overly praising folks for doing what should have been done for a long time? Ava DuVernay put it well in **an interview** with the *Los Angeles Daily News*:

I think it could be a start of something that's quite spectacular, but we're not there yet. Ninety percent of the films that we see released by the major studios are directed by people who are not of color or people who are not women. So it is important to applaud the moment, but you're talking about six or seven films, you can still count them on two hands. We've started something, but what do we have to do to make it stick. And what do we have to do to make it more than black and white? So we can sit here and pat ourselves on the back at this moment, and these are important moments, but if they don't lead to changing things in a way that we won't have to have these conversations in 10 years, then we're just experiencing a trend. I have high hopes that it won't take long if we all focus on it and try.

“We have to be able to commend folks for doing the right thing while demanding that they continue to do the right thing going forward.”

We have to be able to commend folks for doing the right thing while demanding that they continue to do the right thing going forward. It is not enough to be woke

a few times a year. It has to be an orientation to the world and to one's work that places a priority on doing the right thing. As we finally dispel the myth that such an orientation requires sacrificing financial success, hopefully the path for the up and coming Ryans and Shondas and Avas will be less fraught with hostility.

However, as the link between wokeness and profit becomes more clear, we will face more and more attempts to capitalize off this trend without actually being woke or doing any good at all. It was the authentic wokeness of *Black Panther* that audiences devoured. Had it not felt so real and actually been so real, it would

have failed. Some companies and brands have already started trying to use hints of a heavily diluted, inauthentic, and ultimately fraudulent wokeness to make money. Just look at Pepsi's **disastrous Super Bowl ad** from 2017.

The spot centers around a march of some sort with marchers carrying signs like “Join The Conversation” and features a diverse cast of participants. They checked all the boxes – Black, Asian, Hijabi (to indicate Muslim), Hispanic, white, women. Then we see Kendall Jenner having a photoshoot. She links eyes with the Asian cellist whose music opened up the ad. She rips off her blonde wig, wipes her lipstick away, and joins the march for who knows what.

Kendall gracefully walks to the front of the march, fist bumping a black guy, Pepsi in hand, and confronts the stone faced police officers at which point she defiantly stretches out her hand to offer the angry officer the Pepsi. He takes it. He cracks open the can. The music climaxes as Kendall rejoins the crowd to high fives and cheers and hugs. The officer takes a swig as he turns to his colleague and smiles. End scene.

This attempt to monetize wokeness and activism and social good was such a terrific failure that Pepsi was rightfully dragged into the filth on social media and in the press. The ad was so bad and in such poor taste that it left no room for nuanced conversation. Pepsi diluted wokeness into a meaningless vehicle and trotted out a celebrity who has done nothing of substance in that space. Unlike with the folks who rightfully gave Ryan and Shonda and Ava room to be great, Pepsi deserves no thanks nor do they really deserve constructive prodding. There is no room for the kind of advice Ava offered us, that we should celebrate the moment but remain focused on making it a staple rather than a fleeting trend. It was a cut and dry example of folks trying to take advantage of wokeness being trendy without doing anything good.

It would be easy to look at Pepsi's ad or the **Dodge Ram Super Bowl ad** from this year and become jaded by the popularization of wokeness. It's an understandable feeling to be cynical in the wake of wokeness being commodified and monetized. There are lots of people and companies who will try to turn being woke and doing good into a marketable tool devoid of any real meaning. As doing good becomes cooler and cooler, it will become more and more important to take into account the context of the do gooder and to evaluate their intentions and impact.

“ Impact and intentions matter. Drake released a music video for his single, *God's Plan*, that has earned over 90 million views on YouTube already. This video was unlike most music videos. It chronicles Drake giving away the entire \$900,000 plus budget for the music video in and around Miami. Aubrey announces to a grocery store full of shoppers that everything is on him. He doles out wads of cash to (mostly) unsuspecting passers by who are shocked enough to see Drake let alone be gifted who knows how many thousands of dollars. He awards scholarships, gives out cars, brings toys for every child, and donates to a women's shelter. Along with his financial kindness, Drake offers kind words and hugs throughout the video as much as he mingles with crowds of fans as they scream everyone's favorite lines from the song.

It's a heartwarming video, and it has been received very well – as it should be. Yet a whole bunch of folks argued he did this solely for the PR and the views and the retweets and the ability to say that he did a good thing. First of all, he still gave away \$1 million and did so in a way that was responsible. He didn't drop \$1 million in cash from his mansion balcony just to watch the masses trample each other for a couple bucks. He decided to do a good thing, and he clearly thought it through. The argument then boils down to whether or not his intentions were pure and if doing good publicly robs it of its goodness.

For this, I turn to Plato and Aristotle from my first year humanities seminar at Villanova. Plato writes of doing something in life and how one participates in the idea of that something. So if you do something good, the question of how good is a question of how much the act participates in the idea of goodness itself. More practically, if you build a chair and call it a table, it doesn't much matter what you say it is because it is clearly a chair – it still carries all the properties of what makes a chair a chair.

Aristotle's, however, took intention into account when evaluating what something is and what it means. So, yes, if you call a chair a table, you're wrong. But what about behavioral examples? My professor addressed brushing your teeth. We can all agree that brushing your teeth is a good, healthy thing to do. When you're a kid, you brush your teeth because you're told to and you do as you're told. This is a good thing. As you get older, you brush your teeth largely out of habit. This is a better thing. Ultimately, perhaps after realizing the consequences of not brushing your teeth, you brush because you know it's good for you. This is the best thing.

Impact and intentions matter. The impact is absolutely the fundamental metric by which we evaluate something, but your reasons for doing something matter almost as much. Doing a good thing because you have to or feel like you have to isn't as good or as powerful as doing it because it's the right thing to do.

Drake doesn't have any scandals that he is recovering from or any reasons to need the good PR. This isn't Logan Paul promoting mental health awareness after disgustingly mocking those who commit suicide. Drake doesn't even really have any history of needing good PR to fix wrongs he's done. This isn't Logan Paul having an entire career predicated on cultural theft and mocking people different from him so he can make as much money as possible without offering anything of value or using his platform to help anyone. We have no reasons to doubt Drake's intentions and

should not allow ourselves to be jaded by the Pepsis and the Logan Pauls of the world so much so that we cast doubt on everything.

Here's another key component, though: Drake didn't renounce his platform and donate every dollar he has and quit rap and become an ascetic. That would be lazy, selfish, and unproductive. There's a theme throughout the Jewish tradition of charity that explicitly forbids donating to charity to the point that you yourself must ask for the charity of others to survive. The strength of Drake's doing good here is infinitely amplified by his influence and his power in the culture. That is a well he can draw from to continue to do good. It is a well we now can and should expect him to draw from to do more good.

“That is why this trend of wokeness and of doing good is so powerful and creates a ripe opportunity to cement into the culture a new norm and a new metric for what is cool.”

We should celebrate people who do good and inspire others to do good. If you just don't like Drake and think he's a phony, then that's your opinion, and you're wel-

come to it. But let's not act like turning a music video into a celebration of kindness and uplifting a community is somehow a bad thing. The *God's Plan* video says a lot about the kind of person Drake is. It speaks to his orientation to the culture.

Drake's actions encourage others to do the same in whatever ways they can. It inspires other artists to use their platform for whatever good they wish to do. It inspires "regular" folks to wonder how they would do good if they had Drake's resources and, more importantly, how they can do good with the resources they do have. That's huge. That is why this trend of wokeness and of doing good is so powerful and creates a ripe opportunity to cement into the culture a new norm and a new metric for what is cool.

That some people will try to fake their wokeness actually requires us to avoid the instinct to become jaded. The opportunity with wokeness becoming cool is to cement *actual and authentic* wokeness into the culture in a way that hasn't been done before. Rather than look at the Pepsis and the Dodges and be discouraged, we should be convinced of how powerful this trend is, which gives us the power to keep it real.

Pepsi's ad failed because it was a fraud, and people called it out. *Black Panther* continues to rake in millions for the authenticity it demonstrates. Drake used his platform to inspire folks to do good on whatever level that may be. Those who contribute to the culture have the leverage to help shape it. #OscarsSoWhite seeks to improve representation of marginalized communities in media. #MeToo and #TimesUp seek to end the culture of sexual assault that is not only violent but suppresses women on every level of society. #BlackLivesMatter is a rallying cry for the entire Movement For Black Lives, which catapulted issues like police violence and mass incarceration into the national spotlight. Through these and their brother and sister campaigns, there is a momentous opportunity to normalize wokeness.

Again, wokeness isn't a level reached or a merit badge earned and flaunted. Wokeness is an orientation to the world that prioritizes self-improvement & living to do right by others. Imagine a society whose culture demands that orientation of its rich and famous. Imagine a society whose culture comes to expect such a way of living as a pre-requisite to success rather than an afterthought. It is with that imagination in mind that I would look to explore how this manifests itself on levels smaller than that of an international superstar like Drake or a global blockbuster like *Black Panther*.

What does it look like in practice and day to day for someone with a platform to leverage access, resources and, privilege to do right by others? In what ways does the activist landscape change if we do not demand of our best that they be poor and miserable and stressed? How do we make permanent this trend of being woke and ensure it holds onto its authenticity and realness?

It is a complicated and messy endeavor. But it's well worth the effort, and I look forward to staying, being, getting woke and continuing the work.

Author Biography: Sam Whiteout is an Activist and Cultural Commentator. In response to becoming a viral internet sensation through stroll videos with his fraternity brothers, Sam developed his platform to address & discuss issues about which he's always been passionate & to facilitate the conversations that are too often avoided. Central to Sam's message of #BeYouBeGreat is the idea that you do not have to identify as something to care about it or recognize its value – allyship is an essential tool in strategically working towards progress. Sam works to be an example of what integrating social justice into your life looks like for others and how to do so with transparency & authenticity.

Endnotes can be found online at
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Harvard Kennedy School Journal of African American Policy

The 2018-2019 volume will take a deep dive into policies affecting the lives of formerly incarcerated persons. In a country with more than 2.3 million people held in confinement, Black people make up a disproportionate 40% of the incarcerated population. Most of the individuals will be released after serving their time, but 3 out of 4 are expected to return. The experiences of formerly incarcerated persons deserve critical engagement.



Call For Content

Priority deadline: October 15

Regular deadline: December 28

HJAAP invites contributions related to life during and after incarceration. We accept op-eds, research articles, interviews, book reviews, syllabi, art, and more. Submissions guidelines can be found at hjaap.org/submit/. All questions, comments, and concerns can be directed to hjaap@hks.harvard.edu.

Eligible Formats

- **Original articles** with strong arguments, a compelling narrative, and clear policy recommendations; if previously published, HJAAP must be provided permission to republish
 - 1,500-3,000 words in length
- **Op-ed style commentaries**
 - 750-1,000 words
- **Research articles**
 - 2,500 to 5,000 words
- **Reviews** of books, movies, speakers, panels, or conferences
 - 1,000 to 2,500 words
- **Creative content** such as photo essays, illustrations, artwork, etc. (all other places where the piece is published should be noted)
- **Interviews** with scholars, community leaders, students, activists, or political actors

All submissions must:

- Be author's original work
- Be formatted in Microsoft Word (.doc or .docx)
- Include a cover page with the submission title, author's name, mailing address, e-mail address, daytime telephone number, and a brief biography of no more than 150 words
- Include any citations as endnotes formatted in adherence with the *Chicago Manual of Style* (<http://www.chicagomanualofstyle.org/home.html>)
- Include any figures, tables, and charts as separate files

Authors are required to cooperate with editing and fact-checking.

E-mail entries to: hjaap@hks.harvard.edu



Martyred Moor
(Reginald Davis)

Black & Yourselfes

by Raven Gibson

The other day
Out of a mild, professional curiosity of sorts
I did a little reading on when children begin to recognize themselves In a 2003
article, Phillippe Rochat talks about this
As the 5 stages of self awareness in children I like
the number 5
So it got me to thinkin' something I've thought before

We live these days in a digital, seemingly
infinite, puzzle anyway We can kinda see
& kinda know everything
But fake omniscience is just that

In any case,
And children or not We
are all
Steady tryna feel around
Where we fit
Cause nobody wanna shave their sides down for nothin'

How we performatively bend ourselves
Into the experiential spaces our lives allot us
-I think -
Has a lot to do with
how we can imagine we're designed
Like how you put a shirt away after you wash it Has a lot
to do with the kind of material it is

So correct me if I'm wrong
But ain't we all had to learn to see ourselves At
some point?

There are still days Even
now
Where I have to recall
That there are more than one

Not of me
But of all of Mes

& thanks to the internet We
maybe,
more quickly now
say a lot of things the same
But my Mama told me not to tell no lie

And I know
you can't love a thing
you won't even acknowledge

So a real playa's first step
to whatever we callin' self love these days Is
loving them all

And by we
I mean
Me and all the versions of myself

And that actually ain't the first step It's
not the only one either
But there are only a few

Love,
is a really massive boat to ask somebody to build you off rip So you
do
In a sense have to start somewhere

You start,
With seeking the selves
Yours

The same ones
And the not so alike, I guess
All of them
The versions of you that love to change your hair
But will also wear a hat or ponytail for two weeks straight
Because they can live together also

Seek the ones
That laugh as loudly as political media in post election bureaucratic firestorm And the
ones that weep
And rail against you like
Like vinyl records that ain't been treated right

You gotta seek them
As many of your selves as you can
That's the first thing
And gather them
That's what next

Bring yourselves into you
Again,
there may be many
But they are yours

Take out your extremities And
reach your way through this
world & time
Hire your own arms to gently capture Whatever
of you
You can hold in
What do you think you have arms for in the first place?

Find them
And give them place
In you
wherever they belong

Because then
You must name them
The ones from this room in your physical presence Or that
old one
The ones from college
The ones you leave to explain your sins in the city
Show them they are worthy of being in you too Even if
they weren't your best

I still often wonder
Whether a name
Has more to do with form Or
function
Maybe it has more to do with home

So call yourselves
What you want them to come home to
Things with meaning
That you're willing to say and hear over and over
Cause you used the words you chose

You will need these names
The ones you have called yourself,
Especially in a world of people
Administrating every identity but that of their own inner darkness Use
these
To sew the seeds of you

Plant
And root deeply,
Earthward
into the promised and generous land
you've never needed anyone else's permission to be Or
become

You were designed to grow All
of yourselves
Generational harvest ribbons down your DNA
You, unlike many things,
Can survive By
eating light

But oaks don't pop up all at once And
weeds don't mean Sunflowers ain't
bright

This cyclical living
Of finding and looking
Knowing and learning
Farming and Picking
Those things might not even be opposites But
this
Tends to be the way the things are written

And even if they ain't
They are now

Cause self love ain't easy But it's a garden
Filled with life
That can give a smile
To a chipped tooth in the street block If
you let it

Or them, I should say

Seek
Gather
Name
Plant
Repeat

Seek
Gather
Name
Plant



Hero Thug, Unknown Artist (SJSA)



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