

CIVIL RIGHTS

WINTER 2002

JOURNAL

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AN INTERVIEW WITH
BOB MOSES

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Lessons from the Racial
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U.S. COMMISSION ON CIVIL RIGHTS

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- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices;
- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;
- Appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;
- Submit reports, findings, and recommendations to the President and Congress;
- Issue public service announcements to discourage discrimination or denial of equal protection of the laws.

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Since the Commission lacks enforcement powers that would enable it to apply specific remedies in individual cases, it refers the many complaints it receives to the appropriate federal, state, or local government agency, or private organization for action.

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The Commission has 51 Advisory Committees—one for each state and the District of Columbia. Each is composed of citizens familiar with local and state civil rights issues. The members serve without compensation and assist the Commission with its fact-finding, investigative, and information-dissemination functions.

Each of the Commission's six regional offices coordinates the Commission's operations in its region and assists the State Advisory Committees in their activities. Regional offices are in Washington, DC, Atlanta, Chicago, Kansas City, Denver, and Los Angeles.

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The Commission and its State Advisory Committees have produced hundreds of reports and studies on national, regional, and local civil rights matters. Copies of these publications are available free to the public, as is a "Catalog of Publications," by request to the Publications Office, U.S. Commission on Civil Rights, 624 9th Street, NW, Room 600, Washington, DC 20425. Many can be downloaded from the Commission's Web site.

Articles and other material contained herein do not necessarily reflect the policy of the Commission, but are offered to stimulate thinking and discussion about various civil rights issues.

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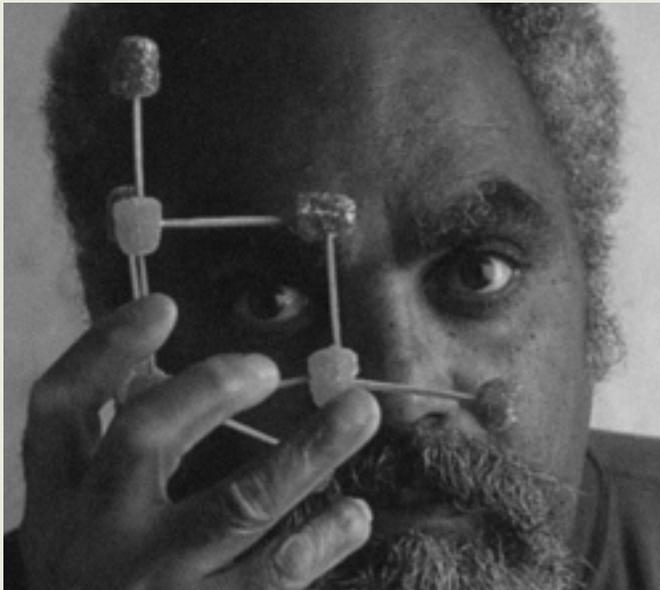
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AN INTERVIEW WITH BOB MOSES

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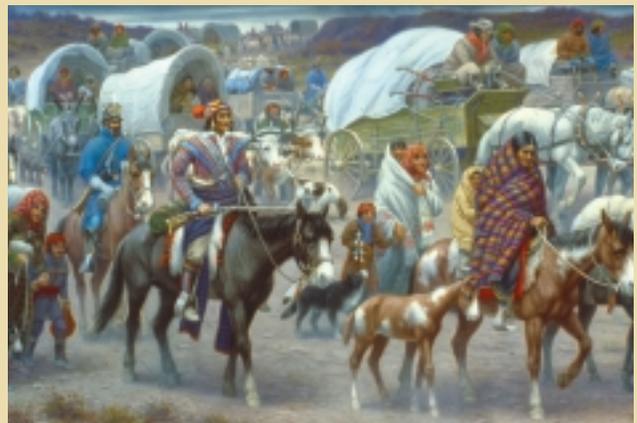
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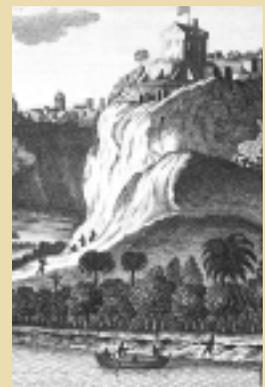
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The protection of civil liberties is a necessary prerequisite to the protection of civil rights: without the freedom to dissent, the possibility of redress rests on the magnanimity of the government rather than on the authority of the governed. Civil liberties provide the space in which and through which civil rights can be defended, the most important of which is the freedom to discuss and to dissent.

The articles and reviews in this issue of the *Civil Rights Journal* attempt to further the discussion on a number of topics central to today's policy debates. Chief among them is the question of civil liberty in a time of war, particularly when one ethnic group is the primary focus of public concern. In his article "Flying While Arab," David Harris, a professor of law at Toledo University, examines the evidence regarding the legal and practical case for racial profiling. He finds the practice not only morally objectionable but likely to backfire, as the targeted group tacitly withdraws its full support for the system that renders it vulnerable.

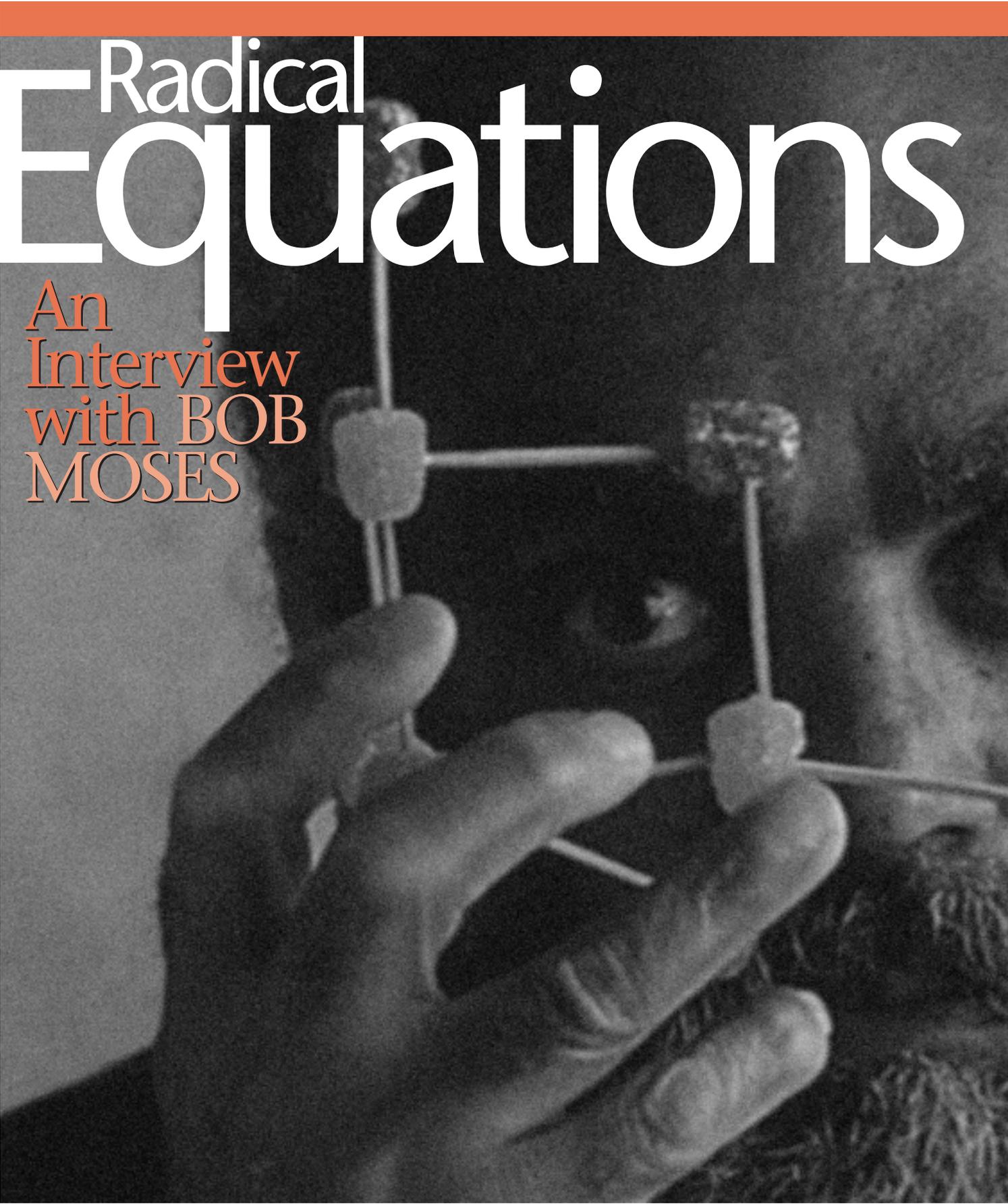
Few people better represent the possibility of humane discussion than Bob Moses, the civil rights activist who first gained renown in the 1960s as leader of the Student Non-Violent Coordinating Committee. His characteristically modest and wise vision is exhibited in an interview in this issue.

Though overshadowed by the terrorist attack on the U.S. in September 2001, voting issues remain a paramount concern for many. Two articles in this issue focus on that topic. Mark Mauer, the assistant director of the Sentencing Project, argues that felons who have served their time deserve to have their right to vote restored. He surveys the landscape, finding a patchwork of uneven

and contradictory state laws, and focuses on the uncomfortable reality that incarceration rates differ by race, making those who have been historically disenfranchised more likely to suffer the same fate today. Jim Dickson, by contrast, focuses on the practical difficulties facing people with disabilities, and calls for laws that provide better access to polling places.

In other articles, Frank Wu examines the continuing prejudice faced by Asian Americans, David Lopes reflects on the history of the Kingdom of Kongo, and Gloria Jahoda recounts the events that led to the dispossession of Native Americans in the "Trail of Tears." The book review section is rich, containing full-length reviews of several of the most important works to be published over the last year or two in sociology, psychology, and political science. All of these articles have in common a serious engagement with the issues, a respect for the facts, and a readiness to confront, honestly and fairly, the arguments of opposing points of view. In that sense, they present a model of how to conduct a debate in a democratic polity.

If the business of America is business, as Herbert Hoover first said, then one of the best ways to ensure that all of its people have a chance to participate in the American dream is by making sure that all of its people have the chance to participate fully in the nation's economic life. The article, "Managing the Revolution: Best Practices for 21st Century Business," surveys the field and attempts to bring some of the current academic discussion about prejudice and discrimination to bear on life in corporate America. It also attempts to provide clear and specific ideas about how to best manage an increasingly diverse population. ☐



Radical Equations

An
Interview
with BOB
MOSES



Photo: Ron Cesar

Legendary is to Bob Moses what dull is to thud;

the adjective has been used so often in proximity to his name it seems to have become a part of it. Moses first gained national attention in the early 1960s, when he was one of the co-founders of the Student Non-Violent Coordinating Committee. He and many of his co-workers were beaten and arrested for their activities organizing African Americans in the Deep South, but no matter how extreme the situation, Moses never lost the calm, stoic demeanor for which he became known. For the past 20 years, Moses has turned his attention to a surprising but, he argues, no-less vital project: generating community interest in promoting math literacy. Today, the Algebra Project serves 10,000 students in 28 cities nationwide. Moses runs the Project out of its headquarters in Cambridge, Massachusetts, but teaches in Jackson, Mississippi, during the school year. CRJ spoke with Moses in late October 2001.



WHAT IS STILL RADICAL ABOUT WHAT WE ARE DOING TODAY IS THAT WE ARE PAYING ATTENTION TO THE BOTTOM, AND ATTEMPTING TO LIFT THE BOTTOM.

What is the Algebra Project?

One way to think about it is that it is establishing a “math literacy floor” for poor black and Latino students in urban and rural schools. The idea is that the computer age has ushered in a math component, in the way that the industrial age brought in a need for reading and writing. Literacy became necessary for citizenship, for participation in politics. So today the focus is on putting a floor under this target population, so that students have choices, so that it isn’t a question that they can’t access certain domains of knowledge. So far, the focus has been on middle schools, on training teachers. We’ve had our best successes down South, in states from North Carolina to Louisiana.

How did you first get the idea to focus on math? Was it a sort of eureka moment?

No, it happened gradually. In my family, I was responsible for our kids’ math education. We have two boys and two girls, and came back to this country from Africa in 1976. Our oldest kid was in M.L. King Open School in Cambridge, and I was back in graduate school. When she hit eighth grade, they weren’t offering algebra. That year I won a McCarthur, so I was working with her, and the teacher said, “Why don’t you come in and help a couple of more kids?” So the question

arose, who was taking algebra, and why. We wrote a letter to the parents of every incoming seventh-grade student and asked them what they thought. Universally they said, “Well my kid should take algebra, but I’m not sure every kid should.” On that basis, we offered it to every child. That was the beginning of the Project, with the idea that we would put a floor under every child and develop math literacy—which wasn’t being done at that time.

How is the Algebra Project similar to the kind of community organizing you did in the 1960s?

In the 1960s, we were using the right to vote as an organizing tool. The 1957 Civil Rights Act provided a minimum amount of crawl space that allowed us to organize around the right to vote. When we had been doing direct organizing in Mississippi, when we had been doing the freedom rides, we got slapped with long jail sentences and heavy fines, and we couldn’t sustain that. But as long as we were focused on the right to vote, they couldn’t put us in jail and throw away the key. We were using the right to vote as a lever for broad political access. In the Algebra Project, we’re using math literacy to achieve the broad goal of economic and programmatic access, but we’re using it as an organizing tool.

Another connection is that the meeting place became a real tool for us. When we think of the civil rights movement, we think of eloquent leaders speaking to masses of people in public spaces, but just as important was empowering people. The question became, how do we empower the people we were working with? and we came up with this format that allowed them to discuss issues in small groups and then go out and see what they could do about those issues. The sharecroppers had a lot of people advocating for them, but it was only once they demanded the right to vote that it happened. In the Algebra Project, we’re working the demand side of the equation. We’re seeing young people who participated in the Project earlier in their lives becoming math literacy workers.

How many people does the Project reach?

We’ve got programs in New York City, Boston, New Jersey, Baltimore, Chicago, and California. We also have projects in the South, in Louisiana, Arkansas, Georgia, South Carolina, and North Carolina. This year, we’re reaching about 10,000 students, in about 120 schools.

How is the Project grown, how is it propagated?

Mostly people come to us, as an organization, they make contact, say they want to do this project. Our first response is to see if we can get a local group to sponsor and own it. We’re not trying to run the Project at the grassroots. We want to go where the interest is. But of course we want them [the prospective teachers] to go through training and everything. Last summer in Arkansas, we had about 80 teachers involved in the training. So now we’re training the trainers.

Have you been measuring the results of the program?

Mostly the evaluation is being done by the Program Evaluation Group at Leslie College. They've been looking at us and doing research and evaluations for eight or nine years. Last year, they looked in depth at one San Francisco school. This year, they're at Lanier High School here in Jackson [Miss.], and they go to the Northeast next year.

If you look at the data, they all show the same thing. If you do a certain number of things, the Project can work, and the students come out with higher grades. You've got to train and support the teachers, which takes two or three years for them to get comfortable with the pedagogy. You've got to get buy-in from the students, you have to get young people involved, and you have to get the community and parents involved in some functional way.

Were you inspired at all by the Latin American example of the "pedagogy of the oppressed," which is based on the notion that you need to impart not simply a set of skills or base of information, but a sort of critical political and personal consciousness about society?

Actually, that kind of pedagogy we had been developing on our own, in the civil rights movement, particularly in the Mississippi theater, where we were really trying to work the demand side with sharecroppers. We were trying to figure out how to get them to change, to look at struggle as a part of their lives. Somebody like Fannie Lou Hammer comes out of that tradition.

How do you answer those who say that what you're doing now isn't really radical?

Trying to get the right to vote isn't necessarily radical either; it was getting *those* people the right to vote that was radical. The political configuration was that they were at the bottom. We weren't content to register middle-class blacks. We were trying to reach those who were really functioning as serfs in our society. And what is still radical about what we are doing today is that we are paying attention to the bottom, and attempting to lift the bottom. Because we know from the 1960s that if you shift the bottom everything shifts. Society has to reconfigure itself when you've got this new mix, these new people at the table. If you're just looking for a few young people with math talent, that's already been done for quite a while. What's radical is using algebra as an organizing tool, as a way to gain traction in the community. It's not as dangerous as demanding the right to vote, but in terms of building relationships, learning how to struggle, and finding value in a particular kind of work, the effort is similar. The kids internalize a concept of themselves as knowledge workers, which is the key to becoming productive, and not just thinking of their future in terms of a dead-end job at McDonald's.

You have some very specific ideas about how to teach algebra. How did they evolve?

It's a refinement of what has come down as experiential learning from Dewey, Piaget, Lewin, and other people in progressive education. I studied under Willard Van Orman Quine at Harvard, and Quine said that elementary math and logic get off the ground by the regimentation of ordinary discourse, that you take ordinary language and straightjacket it. So I took this concept into the domain of experiential learning, where you have an event, then you have reflection on the event, conceptualization of the event, and finally the application. Quine fills in the process between reflection and conceptualization. It's a leap from describing an event in ordinary street language to describing it in language which focuses on the features of the objects as opposed to the objects themselves. For example, you focus on the speed or acceleration or trajectory of the car, not the car itself.

Finally, a couple of big picture questions. As you look back over the past three or four decades, how satisfied are you with how far things have come?

What I've felt, up to September 11, was that this was a good country to struggle in. You could have a good life and struggle. I wasn't particularly optimistic that in my lifetime you would see these issues of race and class turned around, but I had the feeling that you could struggle for them. Now I think it's going to be harder in this country, and I'm not sure yet what's going to happen. The country itself is tightening up, in response to terror and to the threat of terror, and that always hits our target population first. So the first thing you see when you come in here at Lanier is a recruiting sign, and you see more kids out joining the ROTC. I'm not sure where this is headed.

You've always stood in opposition to the mainstream, of course, but also, at least implicitly, to some of the major civil rights groups and civil rights figures. Where do you believe you are now?

We were in opposition to the more mainstream figures on policy issues. If you were working in the grassroots on policy issues, as we were in the Freedom Democratic Party, then inevitably you get into direct conflict with the civil rights organizations that have forged alliances with major policy groups and institutions. Now, today, the issue is the black middle class, which has taken on the role of managing schools and political institutions that deal with black people as a whole. We bump up against that, because what we're doing is a critique of that kind of management. This issue of raising the floor is an issue because it's their floor. They are the ones managing these institutions that have these floors. So insofar as they not really willing to develop their own critiques that what's going on now isn't acceptable, you are in various stages of conflict. ©R

FOR MORE INFORMATION ABOUT THE ALGEBRA PROJECT, VISIT ITS WEB SITE AT WWW.ALGEBRA.ORG

Flying While Arab: LESSONS FROM THE RACIAL PROFILING CONTROVERSY

by David Harris

In the aftermath of the September 11 tragedies in New York and Washington, DC, we Americans have heard countless times that our country has “changed forever.” In many ways, especially in terms of national and personal security, this is quite true. Americans have always assumed that terrorism and other violent manifestations of the world’s problems did not and would never happen here, that our geographic isolation by the Atlantic and Pacific Oceans protected us. Indeed, since the Civil War, the United States has experienced no sustained violence or war on its own soil. Sadly, we know now that we are vulnerable, and that like countries all over the world, we must take steps to protect ourselves.

This is the new reality that Americans find themselves adjusting to: searches and inspections of ourselves and our belongings when we enter public buildings and areas, such as government offices, sports stadiums, and airport concourses; increased presence of law enforcement and even military personnel; enhanced police powers and curtailed civil liberties; and new powers and tactics our government will use to deal more strictly with foreigners and immigrants. While some of these changes amount to little more than inconveniences, others—particularly changes in the law that limit individual freedom while expanding government power—are in fact major changes in our way of life and the core values and meaning of American society. The U.S. Congress has already passed a sweeping piece of legislation, increasing government power over everything from wiretaps, e-mail, formerly secret grand jury information, to the detention and trial of noncitizens.

We know that the United States is a nation of immigrants—that, in many ways, immigrants built our great nation. We know that the immigrant experience has, in many ways, been at the core of the American experience, along with the experiences of African Americans liberated from slavery. The diversity and energy that immigrants have brought to our country has been, and continues to be, one of our greatest strengths. But, we also know that we have sometimes dealt harshly and unfairly with immigrants and noncitizen residents, especially in times of national emergency and crisis. Thus, it is critical that we try to understand the implications of



the changes that have taken place and will continue because of the events of September 11—changes in the very idea of what America is, and in what it will be in the future.

One of these changes has been particularly noticeable—both because it represents a radical shift in what we did prior to September 11, and because it also continues a public discussion that was taking place in our country before that terrible day. Racial profiling—the use of race or ethnic appearance as a factor in deciding who merits police attention as a suspicious person—has undergone a sudden and almost complete

rehabilitation. Prior to September 11, many Americans had recognized racial profiling for what it is—a form of institutional discrimination that had gone unquestioned for too long. Thirteen states had passed anti-profiling bills of one type or another, and hundreds of police departments around the country had begun to collect data on all traffic stops, in order to facilitate better, unbiased practices. On the federal level, Congressman John Conyers, Jr., of Michigan and Senator Russell Feingold of Wisconsin had introduced the End Racial Profiling Act of 2001, a bill aimed at directly confronting and reducing racially biased traffic stops through a comprehensive, management-based, carrot-and-stick approach.

September 11 dramatically recast the issue of racial profiling. Suddenly, racial profiling was not a discredited law

innocent civilians; people were shocked, stunned, and afraid. And they knew that all of the hijackers were Arab or Middle Eastern men carrying out the deadly threats of Osama bin Laden's al Qaeda terrorist network based in the Middle East, which of course claims Islam as its justification for the attacks and many others around the world. Therefore, many said that it just makes sense to profile people who looked Arab, Muslim, or Middle Eastern. After all, "they" were the ones who'd carried out the attacks and continued to threaten us; ignoring these facts amounted to some kind of political correctness run amok in a time of great danger.

But if the renewed respectability and use of profiling was one of the ways in which September 11 changed things, we might also notice that the "new" racial profiling demonstrated the truth of an old saw: the more things change, the more they stay the same. We should remember that racial profiling of African Americans and Latinos also originated in a war—the metaphorical "war on drugs"—and was justified with the same arguments. But even more importantly, we should learn from what we now know were the grand mistakes of profiling in the last 10 years. If we do that, we will see that using Arab or Muslim background or appearance to profile for potential terrorists will almost certainly fail—even as it damages our enforcement efforts and our capacity to collect intelligence.



After 9/11, racial profiling was no longer seen as a discredited law enforcement strategy, but as a vital tool to assure national security, especially in airports.



Photo: Getty Images

History

As in almost any serious policy inquiry, a look at the history of our country can help us attain a proper perspective on how to view what we do now. Unfortunately, that history gives us reasons to feel concern at this critical juncture. Any serious appraisal of American history during some of the key periods of the 20th century would counsel an abundance of caution; when we have faced other national security crises, we have sometimes overreacted—or at the very least acted more out of emotion than was wise.

In the wake of World War I, the infamous Palmer Raids resulted in the rounding up of a considerable number of immigrants. These people were deported, often without so much as a scintilla of evidence. During World War II, tens of thousands of Japanese—immigrants and native born, citizens and legal residents—were interned in camps, their property confiscated and sold off at fire-sale prices. To its everlasting shame, the U.S. Supreme Court gave the internment of the Japanese its constitutional blessing in the infamous *Korematsu* case. It took the United States government decades, but eventually it apologized and paid reparations to the Japanese. And

enforcement tactic that alienated and injured citizens while it did little to combat crime and drugs; instead, it became a vital tool to assure national security, especially in airports. The public discussion regarding the targets of profiling changed too—from African Americans, Latinos, and other minorities suspected of domestic crime, especially drug crime, to Arab Americans, Muslims, and others of Middle Eastern origin, who looked like the suicidal hijackers of September 11. In some respects, this was not hard to understand. The September 11 attacks had caused catastrophic damage and loss of life among



All of this ought to encourage us not to leap forward with racial or ethnic profiling, but to hesitate before we do.

Categorical Thinking

We must hope that we have learned the lessons of this history—that the emotions of the moment, when we feel threatened, can cause us to damage our civil liberties and our fellow citizens, particularly our immigrant populations. And it is this legacy that should make us think now, even as we engage in a long and detailed investigation of the September 11 terror attacks. As we listen to accounts of that investigation, reports indicate that the investigation has been strongly focused on Arab Americans and Muslims. What's more, private citizens have made Middle Eastern appearance an important criterion in deciding how to react to those who look different around them. Many of these reports have involved treatment of persons of Middle Eastern descent in airports.

In itself, this is not really surprising. We face a situation in which there has been a terrorist attack by a small group of sui-

Constant efforts to stop, question, and search people who “look like” suspects, the vast majority of whom are hard-working, tax-paying citizens, will alienate the very ethnic groups whose cooperation we most need to win this fight.

during the 1950s, the Red Scare resulted in the ruining of lives and careers and the jailing of citizens, because they had had the temerity to exercise their constitutionally protected rights to free association by becoming members of the Communist Party years or even decades before.

Hopefully, we can see the common thread that runs through these now notorious examples: an apprehension of danger to the country not only from the outside but from a group of people within who are identified racially, ethnically, or politically with those thought to pose the threat, and a willingness to take measures that sweep widely through the identified group—more widely than the threat might justify. (Of course, we have also learned that these threats have been wildly exaggerated; for example, the discovery of government documents more than four decades after the internment of the Japanese showed that the government misled the courts by intentionally withholding critical information that contradicted official efforts to make the case for a sufficiently severe threat to justify the internment.) The threat we face now bears many similarities: a danger from overseas posed by one group, and an identified group in the United States that has come under suspicion.

cidal hijackers, and as far as we know, all of those involved were Arabs and Muslims and had Arabic surnames. Some or all had entered the country recently. Given the incredibly high stakes, some Americans have reacted to Middle Easterners as a group, based on their appearance. In a way, this is understandable. We seldom have much information on any of the strangers around us, so we tend to think in broad categories like race and gender. When human beings experience fear, it is a natural reaction to make judgments concerning our safety based on these broad categories, and to avoid those who arouse fear in us. This may translate easily into a type of racial and ethnic profiling, in which—as has been reported—passengers on airliners refuse to fly with other passengers who have a Middle Eastern appearance.

Use of Race and Ethnic Appearance in Law Enforcement

The far more worrying development, however, is the possibility that profiling of Arabs and Muslims will become standard procedure in law enforcement. Again, it is not hard to understand the impulse; we want to catch and stop these sui-

cidental hijackers, every one of whom fits the description of Arab or Muslim. So we stop, question, and search more of these people because we believe it's a way to play the odds. If all the September 11 terrorists were Middle Easterners, then we get the biggest bang for the enforcement buck by questioning, searching, and screening as many Middle Easterners as possible. This should, we think, give us the best chance of finding those who helped the terrorists or those bent on creating further havoc.

But we need to be conscious of some of the things that we have learned over the last few years in the ongoing racial profiling controversy. Using race or ethnic appearance as part of a *description* of particular suspects may indeed help an investigation; using race or ethnic appearance as a broad *predictor* of who is involved in crime or terrorism will likely hurt our investigative efforts. All the evidence indicates that profiling Arab Americans or Muslims would be an ineffective waste of law enforcement resources that would damage our intelligence efforts while it compromises basic civil liberties. If we want to do everything we can to secure our country, we have to be smart about the steps we take.

As we think about the possible profiling of Arabs and Muslims, recall the arguments made for years about domestic efforts against drugs and crime. African Americans and Latinos are disproportionately involved in drug crime, proponents of profiling said; therefore concentrate on them. Many state and local police agencies, led by the federal Drug Enforcement Administration, did exactly that from the late 1980s on. We now know that police departments in many jurisdictions used racial profiling, especially in efforts to get drugs and guns off the highways and out of the cities. For example, state police in Maryland used a profile on Interstate 95 during the 1990s in an effort to apprehend drug couriers. According to data from the state police themselves, while only 17 percent of the drivers on the highway were African American, over 70 percent of those stopped and searched were black. Statistics from New Jersey, New York, and other jurisdictions showed similar patterns: the only factor that predicted who police stopped and searched was race or ethnicity.² No other factor—not driving behavior, not the crime rate of an area or neighborhood, and not reported crimes that involved persons of particular racial or ethnic groups—explained the outcomes that showed great racial or ethnic disproportionalities among those stopped and searched.

But as we look back, what really stands out is how ineffective this profile-based law enforcement was. If proponents of profiling were right—that police should concentrate on minorities because criminals were disproportionately minorities—focusing on “those people” should yield better returns on the investment of law enforcement resources in crime fighting than traditional policing does. In other words, using profiles that include racial and ethnic appearance should succeed more often than enforcement based on other, less sophisticated techniques. In any event, it should not succeed less often than traditional policing. But in fact, in departments that focused on African Americans, Latinos, and other

minorities, the “hit rates”—the rates of searches that succeeded in finding contraband like drugs or guns—were actually *lower* for minorities than were the hit rates for whites, who of course were not apprehended by using a racial or ethnic profile. That's right: when police agencies used race or ethnic appearance as a factor—not as *the only* factor but *one factor among many*—they did not get the higher returns on their enforcement efforts that they were expecting. Instead, they did not do as well; their use of traditional police methods against whites did a better job than racial profiling, and did not sweep a high number of innocent people into law enforcement's net.

The reason that this happened is subtle but important: race and ethnic appearance are very poor predictors of behavior. Race and ethnicity describe people well, and there is absolutely nothing wrong with using skin color or other features to describe known suspects. But since only a very small percentage of African Americans and Latinos participate in the drug trade, race and ethnic appearance do a bad job identifying the *particular* African Americans and Latinos in whom police should be interested. Racial and ethnic profiling caused police to spread their enforcement activities far too widely and indiscriminately. The results of this misguided effort have been disastrous for law enforcement. This treatment has alienated African Americans, Latinos, and other minorities from the police—a critical strategic loss in the fight against crime, since police can only win this fight if they have the full cooperation and support of those they serve. And it is precisely this lesson we ought to think about now, as the cry goes up to use profiling and intensive searches against people who look Arab, Middle Eastern, or Muslim.

Profiling to Catch Terrorists

Using race, ethnic appearance, or religion as a way to decide who to regard as a potential terrorist will almost surely produce the same kinds of results: no effect on terrorist activity; many innocent people treated like suspects; damage to our enforcement and prevention efforts.

Even if the suicide hijackers of September 11 shared a particular ethnic appearance or background, subjecting *all* Middle Easterners to intrusive questioning, stops, or searches will have a perverse and unexpected effect: it will spread our enforcement and detection efforts over a huge pool of people who police would not otherwise think worthy of attention. The vast majority of people who look like Mohammed Atta and the other hijackers will never have anything to do with any kind of ethnic or religious extremism. Yet a profile that includes race, ethnicity, or religion may well include them, drawing them into the universe of people who law enforcement will stop, question, and search. Almost all of them will be people who would not otherwise have attracted police attention, because no other aspect of their behavior would have drawn scrutiny. Profiling will thus drain enforcement efforts and resources away from more worthy investigative efforts and tactics that focus on the close observation of



gating people who “look suspicious” will often lead officers down the wrong path; the key to success is to observe behavior. Anyone who simply looks different may seem strange or suspicious to the untrained eye; the veteran law enforcement officer knows that suspicious behavior is what really should attract attention and investigation. Thus focusing on those who “look suspicious” will necessarily take police attention away from those who act suspicious. Even in the current climate, in which we want to do everything possible to prevent another attack and to apprehend those who destroyed the World Trade Center and damaged the Pentagon, law enforcement resources are not infinite. We Americans must make decisions on how we run our criminal investigation and prevention efforts that move us away from doing *just anything*, and toward doing *what is most effective*.

Third, if observation of suspicious behavior is one of law enforcement’s two important tools, using profiles of Arabs, Muslims, and other Middle Easterners can damage our capacity to make use of the other tool: the gathering, analysis, and use of intelligence. There is nothing exotic about intelligence;

Using Arab or Muslim background or appearance to profile for potential terrorists will almost certainly fail—even as it damages enforcement efforts and our capacity to collect intelligence.

behavior—like the buying of expensive one-way tickets with cash just a short time before takeoff, as some of the World Trade Center hijackers did.

This has several important implications. First, just as happened with African Americans and Latinos in the war on drugs, profiling of Arabs and Muslims will be overinclusive—it will put many more under police suspicion of terrorist activity than would otherwise be warranted. Almost all of these people will be hard-working, tax-paying, law-abiding individuals. While they might understand one such stop to be a mere inconvenience that they must put up with for the sake of national security, repetition of these experiences for large numbers of people within the same ethnic groups will lead to resentment, alienation, and anger at the authorities.

Second, and perhaps more important, focusing on race and ethnicity keeps police attention on a set of surface details that tells us very little and draws officers’ attention away from what is much more important and concrete: behavior. The two most important tools law enforcement agents have in preventing crime and catching criminals are observation of behavior and intelligence. As any experienced police officer knows, what’s important in understanding who’s up to no good is not what people look like, but what they do. Investi-

it simply means information that can be useful in crime fighting. If we are concerned about terrorists of Middle Eastern origin, among the most fertile places from which to gather intelligence will be the Arab American and Muslim communities. If we adopt a security policy that stigmatizes every member of these groups in airports and other public places with intrusive stops, questioning, and searches, we will alienate them from the enforcement efforts at precisely the time we need them most. And the larger the population we subject to this treatment, the greater the total amount of damage we inflict on law-abiding persons.

And of course the profiling of Arabs and Muslims assumes that we need worry about only one type of terrorist. We must not forget that, prior to the attacks on September 11, the most deadly terrorist attack on American soil was carried out not by Middle Easterners with Arabic names and accents, but by two very average American white men: Timothy McVeigh, a U.S. Army veteran from upstate New York, and Terry Nichols, a farmer from Michigan. Yet we were smart enough in the wake of McVeigh and Nichols’ crime not to call for a profile emphasizing the fact that the perpetrators were white males. The unhappy truth is that we just don’t know what the next group of terrorists might look like.

Race or Ethnicity As Just One Factor Among Many?

In many discussions of profiling, the question some raise is not *whether* to use race or ethnic appearance, but *how*. Proponents and defenders of racial and ethnic profiling have argued that profiling would be both acceptable and effective if race or ethnic appearance was not *the only factor* that indicated suspicion, but just *one factor among many*. The idea is that race and ethnic appearance should never be the only factors that prompt suspicion, but could be useful if they are part of the whole picture that also includes behavior. Are there, in fact, conditions under which it might make sense to treat people differently according to their race or ethnic appearance, as long as it is just one factor among many?

Our prior experience with profiling counsels against this approach. Despite what many believe, racial profiling has almost never involved situations in which police used race as the only factor in deciding which drivers or pedestrians to stop. In fact, it would be surprising if this were ever true. Human motivation is far too complex in any given situation to be based on one fact; moreover, even the thickest, most bigoted member of a police organization would know better than to simply stop people based on race. And the numbers of drivers and pedestrians in the world would make this impossible anyway; as Justice Robert Jackson said many years ago, when he was the attorney general of the U.S., traffic laws and violators of those laws are so numerous that police must inevitably choose between violators when deciding against whom to enforce the law.

But even if race or ethnicity is just one factor among others, it still presents dangers. Using race or ethnicity for purposes other than describing a particular suspect or suspects means that we must accept that race or ethnicity can become the dominant or most important factor among all of the others. And since people remain likely to attribute suspicion to those different from themselves in the broad categorical ways discussed earlier, we end up with race or ethnicity not just as an additional, sharpening factor as we focus suspicion, but as *the factor* that for all practical purposes directs our actions as we decide who to stop, question, and search. This, of course, brings us back to the pillars of traditional policing: race or ethnic appearance may be a valuable descriptor, but it is not behavior. It tells us nothing about what people do or have done, and instead distracts us from observing behavior.

Second, we cannot discount the obvious skill and determination of the adversaries we face in this struggle. The September 11 attacks made clear that the al Qaeda terrorists were not wild, unguided fanatics. Rather they showed a high degree of intelligence and cunning, spotting and taking advantage of unnoticed weaknesses in our immigration and aviation security systems. They showed the ability and the patience for long-range planning and careful action, as well as strict self-discipline. All of this is, of course, in addition to a belief in their own cause so strong that they were willing to sacrifice their own lives to attain their goals. And we cannot forget that the attack on the World Trade Center on September 11

was not the first, but the second attempt to destroy those buildings; their first attempt, in 1993, was unsuccessful, and they watched, waited, and planned for eight years to try again. With enemies of such craftiness and determination, it seems extremely unlikely that they will use people for their next attack who look like exactly what we are looking for. Rather, they will shift to light-skinned people who look less like Arabs or Middle Easterners, without Arabic names, or to people who are not Middle Easterners at all, such as individuals from African nations or the Philippines. (In both places, there are significant numbers of Muslims, a small but significant number of whom have been radicalized.) This, of course, will put us back where we started, and racial or ethnic appearance will become a longest-of-long-shot, almost certainly an ineffective predictor at best, and a damaging distracting factor at worst.

Conclusion

The terrorist attacks in New York and Washington, DC, present us with many difficult choices that will test us. We will have to ask ourselves deep questions: Who are we, as a nation? What is important to us? What values lay at the core of our Constitution and our democracy? How will we find effective ways to secure ourselves without giving up what is best about our country? The proper balance between safety and civil rights will sometimes be difficult to see. But we should not simply repeat the mistakes of the past as we take on this new challenge. Only our adversaries would gain from that. 

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Where are you **REALLY** from?

Asian Americans
and the Perpetual
Foreigner Syndrome
by Frank H. Wu

"Where are you from?" is a question I like answering.

*"Where are you really from?"
is a question I really hate answering.*

*"Where are you from?"
is a question we all routinely ask one another
upon meeting a new person.*

*"Where are you really from?" is a question some of us tend to
ask others of us very selectively.*

For Asian Americans, the questions frequently come paired like that. Among ourselves, we can even joke nervously about how they just about define the Asian American experience. More than anything else that unifies us, everyone with an Asian face who lives in America is afflicted by the perpetual foreigner syndrome. We are figuratively and even literally returned to Asia and ejected from America.

Often the inquisitor reacts as if I am being silly if I reply, "I was born in Cleveland, and I grew up in Detroit," or bored by a detailed chronology of my many moves around the country: "Years ago, I went to college in Baltimore; I used to practice law in San Francisco; and now I live in Washington, DC."

Sometimes she reacts as if I am obstreperous if I return the question, "And where are you really from?"

People whose own American identity is assured are perplexed when they are snubbed in this manner. They deserve to know why "where are you really from?" is so upsetting. My white friends of whom I have asked the question are amused at best and befuddled at worst, even if one of their grandparents was an immigrant or all of them once were. They deserve to know why "where are you really from?" is so upsetting to Asian Americans even if it carries no offensive connotations to them.





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Like many other people of color (or a few whites who have marked accents) who share memories of such encounters, I know what the question “where are you really from?” means, even if the person asking it is oblivious and regardless of whether they are aggressive about it. Once again, I have been mistaken for a foreigner or told I cannot be a real American.

The other questions that follow in the sequence make the subtext less subtle. Assuming that I must be “really from” someplace else and not here, even pausing for the preliminary “where are you really from?” some people proceed to ask me: “How long have you been in our country?” “Do you like it in our country?” “When are you going back?” and “Do you have the chance to go home often?” I am asked these questions with decreasing frequency over time but still too often, and I am surprised at the contexts in which they continue to pop up.

When I give a speech, every now and then a nice person will wait to chat with me and with utter sincerity and no hint of irony, start off by saying, “My, you speak English so well.” I am tempted to reply, “Why, thank you; so do you.”

I don’t suppose that such a response would make my point to anybody but myself. I am disappointed by these tiresome episodes because strangers have zeroed in on my race and seem to be aware of nothing else. Taken together, their questions are nothing more than a roundabout means of asking what they know could not be directly said, “What race are you?” Their comments imply that I am not one of “us” but one of “them.” I do not belong as an equal. My heart must be somewhere else rather than here. I am a visitor at best, an intruder at worst. I must know my place, and it is not here. But I cannot even protest, because my complaint exposes me as an ingrate. I don’t appreciate the opportunities I have been given. People who know nothing about me have an expectation of ethnicity, as if I will give up my life story as an example of exotica.

A few people, I suspect, ask where we are from out of a naïveté blended with malice. If pressed about my origins, I answer that my parents came from China, lived in Taiwan, and then came here as graduate students in the 1950s. My interlocutors sometimes say, “Oh, I thought so,” and end the exchange. They have placed me in their geography of race and somehow they know all they need to know. They must feel that they have gleaned an insight into me by knowing where I am “really” from and they can fit me into their racial world order.

What makes the incidents comical is that the person waiting in line, the clerk behind the counter, the stranger on the street, and whoever else turns around, leans over, or pulls me aside to ask “where are you really from?” does so as if they are asking me something I have not been asked before. They do not know that they are reenacting a hackneyed scenario.

Other people, I suppose, ask Asian Americans where they are really from because they sincerely would like to know about China or Asia, or they would like to show off what they already know. They are compelled to tell me that they went to China for a vacation last year and saw the Great

Wall or they ate at a Chinese restaurant where they especially liked the food. They may want to ask if it is really true, what they say about Asians, or there may be a phrase they'd like translated.

Asians and Asian Americans occasionally ask me the same question, but possibly with different meaning. Some of them are the same as anyone else: they may want to confirm a conjecture of some sort, or they wish to confide that they detest another group, say, Koreans or Vietnamese. A few would like to establish rapport with someone else who happens to be a minority and an outsider. They might need help because of their poor English or finding their way in an unfamiliar country, and they guess that I will be sympathetic toward them if not similar to them.

What makes these incidents disquieting is that the passenger at the airport, the waiter at the restaurant, the doctor, any Asian individual who turns around, leans over, or pulls me aside to ask, "Where are your people from?" "Where are your parents from?" or "What province is your family from?" does so as if they are asking me what has not been asked them before. They do not care that they are reinforcing prejudices that affect them.

It is a swift slide from an overseas group to an American individual by way of the catch-all phrase "you people," as in, "if you people hadn't bombed Pearl Harbor...."

In the diverse democracy that makes up today's United States, we have decided that we will not be bound by our collective past. Yet we remain acutely aware of race—which is not to say that we are racists. We want to know about race, but for many different reasons.

The question "where are you really from?" shows that we interact with others around us with a sense of race even if we are not mindful of it. Being asked "where are you really from?" likely will not result in my being denied an apartment or a job, except in isolated instances. I wonder what people are thinking, though: when I was interviewing for a position as a law professor only seven years ago, I was told by a senior faculty member at one school (in California no less), "How appropriate that we have the Asian candidate today"—he was referring to December 7, Pearl Harbor Day. I believe the question is a signal, along a spectrum of invidious color-consciousness that starts with speculation but leads to worse. To be met with it so quickly and so often reminds me, over and over, that I am being treated differently than I would be if I were white.

Yet some people who want to talk to me about where I am from want to share with me where they are from liter-

ally or where they are coming from, so to speak. For that rare individual, asking "where are you really from?" is intended as an invitation to a dialogue about what it means that each of us has come here from elsewhere and where we can go together. The late Isaiah Berlin, a great philosopher of pluralism, once wrote, "Only barbarians are not curious about where they come from." But he included that subject of self-inquiry in a lengthy list of topics in "the pursuit of the ideal." He thought that the civilized person ought to care about, as importantly, "how they came to be where they are, where they appear to be going, whether they wish to go there, and if so, why, and if not, why not."

Whether "where are you really from?" begins or ends the conversation is crucial, then. The answer depends on why the question is asked.

Unfortunately, there is worse. Whenever I have had the privilege of appearing in a public forum discussing a controversial topic—and any issue worth discussing in a public forum is likely to be a controversial topic—I receive letters, phone calls, and e-mails from people who disagree vehemently with my perspective. I enjoy the 15 minutes of fame, but I am taken aback by a few of the messages. They

run along the lines of, "Yeah, and what do they do in China?"

I have been told, for example, that because it would not be easy for a white person to become a Chinese citizen, it is obvious that all countries value their sovereignty. Thus, according to this reasoning, the United States is no different in making it hard for a Chinese person to become an American citizen.

When I have spoken up in favor of affirmative action for historically underrepresented minority groups that continue to face racial disparities, I received hate mail that asked questions such as whether they have affirmative action in Japan.

I am tempted to retort, "How would I know?" Or with too much cleverness for my own good, I could come back with, "What does that have to do with the price of tea in China?"

The put down of opinions held by Asian Americans through an allusion to their presumed homeland is an ad hominem attack in its classic form. It has nothing to do with the substance of an argument and everything to do with the identity of the person advancing it. The writer who asked me about Japan had it wrong, doubly. I am Chinese American, not Japanese American. But even though my parents came from China, I have never even set foot on the Asian continent.

I have heard the point as a direct taunt. It comes as the heckler's jeer: "If you don't like it here, then go back where you came from." Or it comes as the snubbed host's uncomprehending whine: "Don't you like everything this country has given you?"



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Chinese American girl scouts in Seattle, Washington, 1947.

The perpetual foreigner syndrome also can be expressed as empathy. Now and again, people introduce themselves to me by speaking pidgin Chinese. Or they make an elaborate show of bowing that is so inept that it might as well be a parody. They don't realize that I speak English perfectly well and am accustomed to shaking hands.

I have listened to people explain to me, trying their patience as much as mine, that they appreciate how I as an Asian American may face discrimination here, because when they as Americans were traveling as tourists in China or Japan they, too, felt prejudice. As much as I value efforts at mutual understanding, even these kindly people are offering up an analogy that is frustratingly inappropriate. It shows both what is wrong with the way Asian Americans are characterized and the nuance of the error.

As a law professor, I help train people to argue from analogy and to distinguish among different cases. Some analogies are persuasive; other analogies are inapt. The proper comparison to the treatment of a white American overseas—where he is in fact a “foreigner”—is the treatment of a nonwhite American overseas—where in fact he is a “foreigner.” If the idea is to match up the situations, then the appropriate counterpart to the treatment of a white American in Asia is the treatment of an Asian American in Europe. Otherwise, the necessary implication is that America is a white nation. Incidentally, a nonwhite United States citizen visiting “the Continent” is likely to be regarded as a bona fide Yankee. I am as able as my neighbor to be an ugly American: a loud, rude, English-speaking tourist expecting

to be catered to. When I am outside the United States, it is readily apparent to the rest of the civilized world where I come from as soon as I open my mouth.

Here at home, many Asian Americans are familiar with those awful moments when, in a dispute over who was in line first at the cash register, where dogs can be walked, who bumped into whom, or in declining to give money to a panhandler, and so forth, a person who is white or black suddenly shouts something about “go back to where you came from” or mutters an aside meant to be overheard about “all these damn foreigners.” In these instances, Asian Americans must decide whether they can and should disregard the racial tone. I find that when I respond, even if I try to reason with someone, they sometimes become implacable and the effort to engage them is futile. They insist more hotly that they are right, not racist. They were merely claiming the parking space they saw first, and even if they said, “You know, this is the way we do it in America” or asked, “How long have you been in this country, anyway?” it wasn't a veiled racial reference and I shouldn't take it as such.

Most people don't see the slippery slope leading from governments and companies to nations and peoples and then to races and cultures; it is a swift slide from an overseas group to an American individual by way of the catch-all phrase “you people,” as in, “if you people hadn't bombed Pearl Harbor . . .” The distinction of United States citizenship, seemingly all-important, is blurred away. It is as easy now as it was a century ago to find diatribes about the Chinese government or Japanese companies that speak in

terms of China or Japan as monoliths or that conclude “the Chinese are a military threat” or “the Japanese are an economic threat.” The further proclamations that “the Chinese are belligerent” or “the Japanese are devious” don’t have a clear stopping point.

During the peak of Japanese economic gains, when in 1989, the Mitsubishi conglomerate bought Rockefeller Center, politicians and pundits took it as a dire sign that the soul of America was for sale. In 1992, opponents almost blocked the sale of the Seattle Mariners baseball team to the founder of Japanese game-maker Nintendo, who wanted to save the franchise for the city and forestall its move to a larger market. In contrast to the fallout from Japan-bashing, there were no such concerns about the British and Dutch companies that owned more U.S. properties than the Japanese even during the latter’s buying frenzy, nor in 1998 when the German Daimler conglomerate, makers of Mercedes-



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A young girl with the family baggage, awaiting deportation to an internment camp, 1942.

Benz, merged with Chrysler, effectively taking it over. (Showing the pointlessness of asking about the nationality of international conglomerates, Daimler and Chrysler both owned part of Mitsubishi.)

The original points that critics make about the handful of totalitarian leaders of the Chinese Communist Party or a few top business executives in a Japanese industry may be well founded and even persuasive, but they are generalized beyond all reason. Whether by intention or through carelessness, an anti-Asian outlook appears to encompass Asian immigrants and even Asian Americans. Those who exclaim, “But we don’t mean Chinese Americans or Japanese Americans,” should realize that others do, and it is as difficult for people to distinguish between the two positions as it is easy to clarify what is meant. Such precision would weaken the rhetoric: it is more emphatic to exclaim “the Chinese” and “the Japanese” than to talk about the Chinese government or Japanese companies, but it also is dangerous and wrong.

The confusion of Asians and Asian Americans springs from rules that would prohibit Asians from ever becoming

Asian Americans. The racial conception of citizenship they reinforced has a long lineage.

In 1882, Congress passed the Chinese Exclusion Act. Over time, the legislation was extended to create an Asiatic-barred zone. Asian immigrants were not allowed, with only a few exceptions—many came illegally, masquerading as the “paper sons” of individuals who were already legally present; they were “sons” only on paper and not in reality. Asian residents were prevented from becoming naturalized citizens, because they could not meet the prerequisite of being a “free white person.” University of California at Davis law professor Bill Ong Hing has said of these immigration policies: “It’s no accident that the Statue of Liberty faces Europe and has her back to Asia and Latin America.”

Such sentiments were not limited to Asians; but they were undeniably racial, ethnic, and religious in all their manifestations. The nativist movement sought to restrict the number of Europeans who were Southern and Eastern, and Catholic and Jewish. They brazenly wished to preserve the white Anglo-Saxon Protestant dominance of the country, setting their quotas for visas based on the percentages of each ethnic group’s representation in the country at the turn of the century and assuming that anyone who was not part of their “old stock” was inferior.

The federal government opposed citizenship even for native-born individuals of Asian ancestry. In a test case in 1895, the solicitor general—the government’s lawyer before the Supreme Court—opposed the application of Wong Kim Ark for citizenship. Wong had been born in San Francisco to parents who were Chinese. His hopes sprang from the 14th Amendment to the Constitution, which overturned the *Dred Scott* decision depriving African Americans of citizenship, and which continues to guarantee everyone “equal protection” under the law. The 14th Amendment opens, “All persons born . . . in the United States, and subject to the jurisdiction thereof, are citizens of the United States . . .”

In his brief to the Supreme Court, the solicitor general presented the official view of the government by reviewing the precedent that appeared to support Wong before invoking the sacredness of citizenship. He states, “For the most persuasive reasons we have refused citizenship to Chinese subjects . . . and yet, as to their offspring, who are just as obnoxious, and to whom the same reasons for exclusion apply for equal force, we are told that we must accept them as fellow-citizens, and that, too, because of the mere accident of birth.” He asks rhetorically whether “Chinese children born in this country” should “share with the descendants of the patriots of the American Revolution the exalted qualification of being eligible to the Presidency of the nation.” His answer is adamant: “If so, then verily there has been a most degenerate departure from the patriotic ideals of our forefathers; and surely in that case American citizenship is not worth having.”

Nonetheless, the Supreme Court ruled in favor of Wong by a 6-to-3 vote. It wrote that the citizenship conferred by the measure was “general, not to say universal, restricted

only by place and jurisdiction, and not by color or race.”¹

Even the Supreme Court was not as willing to allow Asian immigrants to naturalize. It gave itself the power to assign racial identities and the consequences that followed. From the inception of federal regulation over immigration, Congress had maintained the rule that only “free white persons” could naturalize. In 1870, it amended the statute to allow “persons of African nativity, or African descent” to naturalize as well. Thus, Asian immigrants had to plead either that they were “free white persons” or “persons of African nativity, or African descent.” In dozens of cases, they lost repeatedly.

Takao Ozawa, a Japanese immigrant, and Bhagat Singh Thind, an Indian immigrant, both had their cases heard by the Supreme Court; both of them lost, within three months of each other in 1922–23.² As University of California at Berkeley law professor Ian F. Haney Lopez detailed in an excellent academic study, Ozawa wrote an autobiographical brief before retaining a former U.S. attorney general to argue his case. Ozawa attests to his assimilation: “In name, General Benedict Arnold was an American, but at heart he was a traitor. In name, I am not an American, but at heart I am an American.” Called a paragon of assimilation by later scholars, Ozawa reviews his own life: his flouting of Japanese laws requiring that he report himself, his marriage, and his children’s birth to the government; his lack of affiliation with Japanese organizations; his children’s attending an American church and an American school; his use of English, and his children’s lack of knowledge of Japanese; his education at American schools; his continuous residence for 28 years; his preference for an American-educated wife; and his readiness to “return the kindness which our Uncle Sam has extended me.” Moreover, Ozawa argued he was literally white, even more so than “the average Italian, Spaniard or Portuguese.”

The Supreme Court rejected his claims without much difficulty. It reasoned that “white” and “Caucasian” were synonymous. Japanese were not white, because they were not Caucasian. Their skin color was inconsequential, because skin color was not the only test of racial identity.

Thind tried a different tactic, to no avail. Exactly as the precedent set by Ozawa suggested would be appropriate, he referred to the many taxonomies of race that had been devised by social scientists. Within the leading schemes, Asian Indians were not only Caucasian but also Aryan.

The Supreme Court should have been caught by its own equation of “white” and “Caucasian,” but it disposed of Thind’s petition with the same alacrity it had shown Ozawa. It backed away from the scientific test, reasoning “the words ‘free white person’ are words of common speech, to be interpreted in accordance with the under-

standing of the common man.” By that standard, “the physical group characteristics of the Hindus renders them readily distinguishable from the various groups of persons commonly recognized as white.”

The law was more than matched by popular literature and even progressive political movements.

Novelist Jack London, whose dispatches from Asia for the Hearst newspapers that introduced the term “yellow peril,” also wrote an essay of that title in 1904 warning of the “menace” to the Western world from “millions of yellow men” (Chinese) under the management of “the little brown man” (Japanese). His rejoinder to fellow socialists who admonished him for these attitudes toward Asians was “What the Devil! I am first of all a white man and only then a Socialist.” His belief in Anglo-Saxon supremacy was fervent and formed “a dominant note throughout all his writing,” according to his daughter, as was his conviction that “the world has ever belonged to the pure breed, and has never belonged to the mongrel,” in his own words.

Labor organizer Samuel Gompers, president of the AFL-CIO, co-wrote a pamphlet in 1901 about “Meat versus Rice:

People who know nothing
about me have an expectation of
ethnicity, as if I will give up my life
story as an example of exotica.

American Manhood Against Asiatic Coolieism—Which Shall Survive,” arguing “while there is hardly a single reason for the admission of Asiatics, there are hundreds of good and strong reasons for their absolute exclusion.” On other occasions, he warned of “the menace of a possible overwhelming of our people by hordes of Asiatics.” He explained that “the Caucasians . . . are not going to let their standard of living be destroyed by negroes, Chinamen, Japs, or any others.” Despite the AFL having pledged to unite working people “irrespective of creed, color, sex, nationality, or politics,” Gompers forbade locals from accepting Chinese or Japanese members.

Gompers was not like other anti-Asian agitators, however, who were anti-Asian through and through without any reservations. He wanted to be known as open-minded. He insisted that he had no grudge against Asian immigrants, but was acting as he did because of his experiences and observations. He said in his autobiography, “It is my desire to state emphatically that I have no prejudice against the Chinese people” but only “profound respect for the Chinese nation.” He said in the very next paragraph, “I have always opposed Chinese immigration not only because of the effect of Chinese standards of life and work but because of the racial problem created when Chinese and white workers were brought into the close

contact of living and working side by side." These contradictory comments were not exceptional. He had said earlier that once the Chinaman comes, he has either dominated or been driven out, for "the Chinaman is a cheap man." He then added, as if he had regrets for his hatred, "The American people do not object to the Chinese because they are Chinese," but because of all the ills they would bring to the country.

It never occurred to Gompers that Asian immigrants were not inherently any different from other laborers, but were sometimes forced into being scabs. He did not think that he could organize them to strengthen all workers, and he did not recognize that he was contributing to the very racial problem he blamed for the inability to join forces. For him, race was crucial and exclusion was preferable to cooperation. Yet he recognized, however dimly, that it would be wrong to act out of prejudice even if he refused to acknowledge his own feelings as prejudice.

Demagogues Madison Grant and Lothrop Stoddard had expressed the same apprehensions in their best-sellers in 1916 and 1920, respectively. Grant wrote *The Passing of a Great Race*; Stoddard, *The Rising Tide of Color*. In both, the two now-forgotten social Darwinists posited an imminent racial conflict arraying black, brown, and yellow against the

cated nativism and eugenics. Before World War II, he reported from Germany as an enthusiast of Hitler's regime. He posits an "iron law of inequality."

Stoddard states that the "obviously dangerous Oriental" was someone "against whose standards of living the white man cannot compete." He views "the brown and yellow worlds of Asia" as "the effective centres of colored unrest." He worries that Asians would endanger whites because they had their own "admirable cultures rooted in remote antiquity and worthy of all respect," but they also "are to-day once more displaying their innate capacity by not merely adopting, but adapting, white ideas and methods." He disclaims any "disparagement of the Asiatic." He argues that both Asians and whites were justified in winning opportunities in new lands, but "the hard facts are that there is not enough for both" and the Asian "automatically crushes the white man out."

Grant and Stoddard were influential, before their ideas of white superiority were repudiated in the aftershock of the horrors of Nazi death camps. Stoddard is even fictionalized in F. Scott Fitzgerald's classic chronicle of the Jazz Age, *The Great Gatsby*. The character Tom Buchanan, who has been reading Stoddard (called Goddard), proclaims, "The idea is

During military crises, the perpetual foreigner syndrome becomes especially dominant.

superior white. More extreme than Oswald Spengler, the historian who devised the idea of the decline of the West, Grant and Stoddard were especially worried about "race suicide" by the internal weakening of the stock of the Nordic or the Anglo-Saxon.

Chair of the New York Zoological Society, Grant argues on a biological basis for global segregation of barbaric from civilized races. With his interest in museums and environmentalism—he formed a society to save the redwood forests—Grant represented the blend of privilege and prejudice, with culture and science, that shaped public policy.

Although he had a moneyed pedigree that dated back to the Colonial age, Grant was a self-proclaimed Democrat. He averred that wealthy classes had introduced both black slaves and Asian immigrants, to the detriment of common people. But he did not indict the wealthy for seeking their own advantage, and instead expressed hostility toward the people who were exploited. "If there had been an aristocratic form of governmental control in California," he said, "Chinese coolies and Japanese laborers would now form the controlling element, so far as numbers are concerned, on the Pacific coast." In other words, it was the Asian workers who were the enemy.

A magazine editor and radio broadcaster who authored more than a dozen books, including a history of children, Stoddard was a disciple of Grant's. Several of his works advo-

if we don't look out the white race will be—will be utterly submerged . . . Well, these books are all scientific."

During military crisis, the perpetual foreigner syndrome becomes especially dominant. After Imperial Japan launched its sneak attack on Pearl Harbor on December 7, 1941—"a day that will live in infamy" in President Franklin Delano Roosevelt's historic Declaration of War speech—approximately 120,000 Japanese Americans were suspected of the worst treason. They were presumed guilty as a group of collaboration, sabotage, espionage, and being a likely "fifth column" in the event of an invasion. While two-thirds of the population consisted of native-born United States citizens, they were thought to have blood ties to a hostile power in what was viewed as a racial war.

Given a few days' notice, they were rounded up and sent to 10 hastily erected internment camps in deserts and swamps. With few exceptions, they were never charged with any crimes or convicted of any wrongdoing. They lost their liberty, their livelihoods, their communities, and their possessions.

The panic after Pearl Harbor was understandable. The disaster was unprecedented. Yet the decision to blame Japanese Americans should be neither condoned nor followed.

Lieutenant General John DeWitt, commander of the Western Defense, famously declared, "A Jap's a Jap . . . The Japanese race is an enemy race . . . It makes no difference whether



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Young people at a Chinatown polling station, Los Angeles, California, 1992.

he is an American citizen, he is still a Japanese.” He added that German Americans and Italian Americans were only dangerous in some instances, “but we must worry about the Japanese all the time until he is wiped off the map.”

Justice Hugo Black, renowned as a civil libertarian, wrote the majority opinion in the best known of the four Supreme Court cases lending judicial approval to the wholesale incarceration of a minority group.³ Justice Black reasoned that Fred Korematsu, who had had crude plastic surgery in an attempt to pass as Hispanic and stay with his white girlfriend instead of reporting to an internment camp, “was not excluded from the Military Area because of hostility to him or his race.” Instead, Black expounds, “He was excluded because we are at war with the Japanese Empire.”

Justice Black notwithstanding, the crux of the matter must have been race. For aside from being of Japanese ancestry, Korematsu was simply another citizen. Apart from his ancestry, he had nothing to do with either the Japanese Empire or other Japanese Americans. The *Korematsu* case is the only example of the High Court using “strict scrutiny”—a form of judicial review that is said to be especially skeptical of racial references—but approving an invidious racial classification of a racial minority. Moreover, a case that was supposedly not about race at all has become the source of the controlling legal doctrine on race.

(Although Korematsu had his conviction vacated on a rare *writ of coram nobis* decades later and received a Presidential Medal of Freedom in 1998, his case has never been overruled and remains “good law.”)⁴

Their patriotism may have been an unrequited love, but Japanese Americans displayed it poignantly. The Japanese Americans, still technically classified as “enemy aliens,” who enlisted in the then-segregated Army proved themselves with the ultimate sacrifice. The 442nd Regimental Combat Team and 100th Battalion became the most highly decorated units of their size and length of service in American history.

The law has changed, but the general culture has not. When 21-year-old Yale student Maya Lin won the competition for the Vietnam War Memorial commission, her profound design, with its black granite displaying a stark list of all the 58,000 Americans who died in the conflict and set into a gash in the earth, was controversial for more than its aesthetics. The selection process was anonymous, and the Ohio-born Lin was identified by only a number until her sketches were selected. Once her face was attached to her art, there were murmurings that she was the wrong choice because she was a “gook.” Although her monument has become one of the top tourist attractions in the nation’s capital, bringing together veterans, protesters, and families

who make crayon rubbings of their love ones' names, the reticent sculptor still expresses shock at the attempts to discredit her because of race.

Hate crimes against Asian Americans are a brutal form of the perpetual foreigner syndrome. The 1982 murder of Vincent Chin is only the most notorious example. The Chinese American engineer was clubbed to death in Detroit by two white autoworkers who, accusing him of being responsible for their woes, took a baseball bat to his head. The case only became more widely known when the judge sentenced the perpetrators to probation and a \$3,780 fine. Numerous other cases have been recorded around the nation, with attackers such as the "dot-busters" in New Jersey who assaulted Indian immigrants and killed two in their violent spree, and others who have taken guns, knives, and fists to Asian Americans as they recall Vietnam or kung fu movies.

Yet I am an optimist. I know I am a citizen whatever others might think. And I believe that by working together cooperatively and constructively, we can forge a sense of community that also allows dissent, a unity that contains diversity. By engaging in the continual process this challenge requires of us, we will make the promise of our nation the reality of our lives. At a minimum, an open society requires that each of us accept all of us as equals.

The perpetual foreigner syndrome can be addressed through public policy. Most importantly, the perpetual foreigner syndrome requires that we acknowledge our own feelings and actions. As the questions about "where are you really from?" demonstrate, many of us sometimes think about race without even realizing that it is on our minds. We are unconscious of our own stereotyping, despite our insistence that we are striving for an ideal of color-blindness. Yet it happens to Asian Americans often: our civil rights violated twice over when even incidents such as assaults that involve racial epithets—"chink" or "jap" or "gook"—are regarded as something other than hate crimes.

The perpetual foreigner syndrome suggests that to understand the complexities of race, we must use a paradigm that is not exclusively black and white—in literal and figurative terms. In literal terms, if "American" means "white" and "minority" means "black," then individuals who are neither white nor black end up being neither American nor minority. They are excluded altogether as foreigners who lack rights, even if they are in fact native-born Asian Americans, Latinos, or of mixed-race backgrounds. In figurative terms, if racial issues involve only villains and victims, then it is impossible to resolve problems without identifying wrongdoers who are bigoted. The historical, structural, and subtle forms of racial disparities become easy to ignore, even if they are as severe as the isolated and spectacular incidents of hardcore racism.

It is possible and crucial to include Asian Americans, Latinos, and individuals of mixed-race backgrounds, without in any manner denigrating the unique experiences of African Americans. Demagogues may introduce Asian

Americans as the "model minority" (another myth requiring critical thought) to send the none-too-subtle message to African Americans that "they made it, why can't you?" Yet efforts to broaden the discussion of race need not come at the expense of African Americans. The struggles of various groups can complement one another instead. They can gain strength by uniting through principle.

To do so, it is necessary to include individuals and communities that are neither black nor white in the decision-making that constitutes democracy and to consider the concerns of these persons and groups. Among other concrete measures, it is important to maintain accurate and current statistics—on matters ranging from housing segregation, educational attainment, health care, income levels, and political representation—to determine both the progress that has been made and the problems that remain. Any program that is meant for all citizens must be accessible in operation to all citizens. Any program that is targeted at disadvantaged segments of the population should undertake an objective consideration of who should be a beneficiary, rather than relying on assumptions.

The perpetual foreigner syndrome also shows us that some lines that are supposedly based on citizenship actually cover up lines that are based on race. Because the former is permissible and the latter is not, it becomes easy to rationalize distinctions among people as involving citizenship rather than race.

To overcome this tendency, government officials could give greater scrutiny to classifications that seem to be based on citizenship to determine if they are racially motivated or produce racial effects. Of course, the equal protection clause of the Constitution—the source of the strongest protections of our rights—provides guarantees to all persons and not only citizens. The Supreme Court has interpreted this language in some instances in favor of persons generally and in other instances as restricted to citizens alone. It may require fundamental changes to our society, though, to achieve the same consensus about citizenship that has developed over race.

Meanwhile, our civic culture depends on genuine dialogue among equals. Leadership and grassroots efforts that further the process of forming coalitions ought to be encouraged, supported, and funded. Working constructively and cooperatively, we can progress toward social justice. 

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HISTORY *as* SENTIMENTAL EDUCATION

A Preface to *Holy Ground* and
The Destruction of the Kingdom of Kongo

The mantra about repeating the history one hasn't learned is true not only for delinquent high school students and pundits quoting Santayana. But it has become by so much the dominant rationale for the historical impulse that we risk neglecting other reasons history repays study. Indeed, the two vast injunctions of the discipline—toward memory and against repetition—are more at odds than we typically recognize. All history is, ultimately, local, specific to a time and place and culture—and in that sense unique. The more one remembers the details of a story, the less clear its moral is. History is not a bin of aphorisms; historians are not Aesop-manqués.

Among the other reasons to study history, a better understanding of the present is the most seemingly straightforward. We are at a certain place along the path; knowing how we got here can shake loose the impression that our current arrangements are destined, natural, and fixed. That the present came into being as a result of the choices and desires of the men and women who preceded us implies the contingency of the present and suggests the malleability of the future. Nothing is bound to be the way it is; that this or that happened is not the same as saying that it could not have happened otherwise.

The following two articles—one an original piece of writing, the other, a reprint from a neglected classic—are guerrilla raids on a couple of the more remote provinces of history. They describe, in turn, a forced march of Cherokee from Florida to Oklahoma conducted early in the 19th century and a sequence of letters between a Portuguese and an African king dating from the 15th. The incidents in themselves are minor, small craft in an ocean of event. Yet they illuminate the larger tides that capsized continents, and in their wealth of detail, remind us that history is lived by individuals, however much or little they are the authors of their fates.

The rise of slavery, the need to justify its self-evident cruelties, the rapidity with which these legitimations became accepted, the effect of this trade upon African societies; these are the larger issues around which Lopes' depiction of the correspondence between a medieval Portuguese and Kongolese king revolve. Similarly, Jahoda's account is about nothing less than the expropriation and extermination of a people—or rather, of many peoples—but it takes place around long-extinguished campfires in the north of Florida in the spring of 1813. It is in the lived details these stories provide that we embark not merely on a scholarly but on what was once unapologetically called a sentimental education—an education in the sort of complex and humane understanding that ought to inform our conduct today. 

HOLY GROUND

by Gloria Jahoda

In the north the scarlet council fires burned long and high on frost-touched nights in the spring of 1813. It was the Moon of the Running Sap, and the United States and Britain were at war. Tecumtha of the Shawnees of Ohio was urging America's Indians to declare for the British and push out of Indian land forever the rude settlers who appeared to think they were the only Americans who mattered. The Prophet Tenskwatawa, Tecumtha's brother, was traveling from tribe to tribe exhorting their clans to rebellion as the acrid flames crackled in the dark: "O Shawnee braves! O Potawatomi men! O Miami panthers! O Ottawa foxes! O Miami lynxes! O Kickapoo beavers! O Winnebago wolves! Lift up your hatchets; raise your knives; sight your rifles! Have no fears—your lives are charmed! Stand up to the foe; he is a weakling and a coward! O red brothers, fall upon him! Wound, rend, tear, and flay, scalp, and leave him to the wolves and buzzards! O Shawnee braves! O Potawatomi men!" Had not the Great Spirit first made the Shawnees before he made the French and English out of his breast, the Dutch out of his feet, and the American Long Knives out of his hands? "All these inferior races of man he made white and placed them beyond the Stinking Lake," Tenskwatawa shouted as black smoke vanished upward into a blacker sky where stars glittered crisp and blue-white. Now it was time to drive the inferior races back across the Stinking Lake. The British must be used to help exterminate the Americans; afterward, the united Indians could deal similarly with the British.

"Away back in that time in—1492—there was a man by the name of Columbus came from across the great ocean, and he discovered the country for the white man. . . . What did he find when he first arrived here? Did he find a white man standing on the continent then? . . . I stood here first, and Columbus first discovered me."

—CHITTO HARJO, CREEK



Many of America's original settlers listened spellbound to the compelling oratory of Tecumtha and Tenskawatawa as it echoed through their ebony forests. Soon exhortations to vengeance were dividing tribes into hostile factions of moderates and fanatics, none more bitterly than the southern Creeks. The Creeks, so called by the whites because most of the subtribes that comprised the nation lived on rivers and streams, owned sprawling fertile lands in Georgia and Alabama. Rivers that flowed red with Georgia clay, the Flint and Chattahoochee and Ocmulgee, and Alabama streams whose slower brown waters moved under high canopies of longleaf pines and moss-draped live oaks, the Coosa, Tallapoosa, Tombigbee, and Alabama, belonged by tradition to the Creeks. Farther south lived a scattering of Spaniards in west Florida, whose capital, Pensacola, was a boisterous town full of an assortment of outlaws, pirates between expeditions, petty Spanish officialdom, and dark-eyed *senoritas* who welcomed the visiting British army and navy with enthusiasm. The British Indian trading firm of Pantan Leslie and Company was based in Pensacola too. In the 321 years since Columbus had begun exterminating the Tainos of the West Indies, America's Indians had become dependent on the goods traders sold them: muzzle-loading rifles, keen-honed

knives, osnaburg cloth, flannel and calico and sturdy blankets, brightly colored glass beads, and also potent whiskey.

No tribe relied on traders more than the Creeks; they took to the white man's ways so readily that they were considered a "civilized" tribe. Parties of Creeks regularly journeyed from Georgia and Alabama to exchange skins and furs at Pensacola; many Creek women had married traders. Names like McGillivray, Farquharson, Weatherford, and McIntosh were common in the war towns and peace towns that lined ferny southern riverbanks. The Creeks had appropriated white customs that suited them—cloth dress, hunting weapons and ammunition, the keeping of peach orchards and livestock. But in most of their minds there was no doubt that their lands were theirs forever. "They are our life and breath," said one of their chiefs, Yahola Micco. "If we part with them we part with our blood."

The Creeks, though not as drastically as Tecumtha's Shawnees, had already felt the pressure of white expansion into their country. They watched horrified as American frontiersmen killed game not only for food but for fun. The Creeks had taken a long step into the 19th century, at the same time that they had also been pushed back from the Atlantic Coast they had once known. Some were fatalists: what would be, would be. But some were not.

When Tecumtha's Religion of the Dancing Lakes came to young Creek braves, they were ready to believe in it. As they gyrated, leaders of the dance carried red sticks that Tecumtha's followers said would show the direction from which the whites were coming. Any Indian who bore a red stick could not be injured. Soon council fires were also burning in the heavy, humid nights of the South. In the Creek war town of Tuckabatchee, 5,000 people crowded the main square to watch Red Stick dancers whirl naked except for breechcloths and eagle feathers. As the hard, hammering music of rattles and the wails of reed flutes rose and fell in the perfumed darkness, the Red Stick men undulated into the *chofoka*, the town meetinghouse, while sweat poured down their burnished faces. In ringing tones, they prophesied miracles. Soon afterward, in rapid succession, came a comet, a meteor shower, and a mild earthquake. Could anyone doubt Tecumtha when he said that the earth would tremble when he stamped his foot upon it? The hotheaded warriors of the Creeks did not. But Lumhe Chati, Red Eagle, had misgivings. The whites he knew in southern Alabama had been friendly. Why could the two peoples not live together?

Red Eagle was born Bill Weatherford, son of a white trader and a Creek mother whose maiden name had been Tait. The lands he knew best were the pinewoods and swamps where the Tombigbee and the Alabama rivers joined, a few miles north of the site of the ancient Indian town of Mabila. The Mabila Indians, obliterated by conflict and disease, had already passed into history, along with the Natchez and Timucuas and Calusas and Apalachees. Now Mabila (the French, when they had owned it, had called it Mobile) belonged to the Creeks. The path between Mobile and Pensacola was well worn with Creek footprints as it wound among light-speckled



Photo: Woolaroc Museum. Used with permission.

forests and sluggish coastal rivers, past broad bays full of marsh grasses shining darkly in the southern sunlight. The place of pilgrimage in Pensacola was the store of Panton Leslie and Company. Also in Pensacola, as American frontiersmen knew, British soldiers, with the compliance of the Spanish, were training bands of Creek Indians in organized warfare. These particular Creeks had left their old lands in Georgia and Alabama to become Siminoli, wanderers. The



recruiting notices in Tennessee: "VOLUNTEERS TO ARMS! . . . Are we the titled slaves of George the Third? The military conscripts of Napoleon? Or the frozen peasants of the Russian Czar? No—we are the freeborn sons of the only republic now existing in the world." Andrew Jackson, who had known the Indian wars of the Appalachians as a boy, knew there were no republics among Indians. Most red men understood his contempt for their race. The man whose name was an inspiration

Jackson had turned Indian against Indian in his determination to subjugate every red man in the United States.

main body of the tribe had severed its ties with them. A Creek in Tuckabatchee was as much like a Seminole of steaming Florida as an urban Yankee merchant who carried a gold-headed cane was like a squatter in the hinterlands who lived on deer, opossum, and raccoon meat. The Creeks considered their Siminoli brothers "wild men." Red Eagle, like so many of his nation, admired the efficiency of white civilization. He found the Religion of the Dancing Lakes excessive, the flight of the Siminoli futile, and the belief in the invincibility of those who carried red sticks grotesque.

During the Summer Moon, in July 1813, 90 Alabama Creek warriors set out for Pensacola with laden packhorses. Their leader was the half-breed Peter McQueen, chief of the Tallassee band. They made their way slowly through the dank heat. Frequently, they paused to rest in the shade of high pines along sepia streamlets where there was fresh water to drink. To the whites of the Alabama frontier settlements, the group of traveling Indians was frightening. The British fleet had been seen off Pensacola, and it was common knowledge that the British and Spanish were inciting Indians and selling them ammunition. From cabin to far-flung cabin word was passed that the Creeks, urged on by Red Stick braves, were planning a massacre. Alabama Colonel James Caller called out a ragtag territorial militia and crossed the Tombigbee to Sisemore's Ferry on the Alabama. There, on the river's western bank, he bivouacked for the night. His recruits listened to the calling of owls and the thumping of marsh rabbits, wondering if the noises came from animal or human throats.

The militia had passed through the town of Jackson, named for the American major-general who had written such stirring

to Colonel Caller was Jacksa Chula Harjo to the Creeks—"Jackson, old and fierce." Some said he was mad. Neighboring Choctaws called him, more succinctly, "The Devil."

On the morning of July 26, Caller started the laborious crossing to the east side of the Alabama. Horses swam by the side of long dugout canoes; it took most of the morning to get the animals across. At noon, Caller's party halted at the cow pens of a frontiersman, where they were reinforced by a company under the command of Dixon Bailey, a mixed-blood Creek who had been educated in Philadelphia at white expense. Bailey's men carried the same mixture of rifles and shotguns as Caller's; they were as ready to fight, and their frontier horses were as sturdy. They wanted their pay, however, more than they wanted glory.

By July 27, Peter McQueen's Creeks were returning from Pensacola with their purchases: rifles and shotguns like those the Long Knives carried, the bright cloth Creek wives fancied, metal fishing books, sharp hunting knives, and the British-made cookware that had replaced Creek pottery. The morning was torrid. Before noon, McQueen's party stopped by a tiny rivulet named Burnt Corn Creek, where they cooked and ate the game they had caught. The smoke of their fire rose slowly into the pinetops of the little barren where they were resting.

Without warning, the Americans fell on them with shrill yells, forcing them to plunge into the river. Soon the Americans were losing Creek packhorses and plundering the wares of Panton Leslie and Company. Only a few bothered to pursue the Indians swimming down the Alabama. Then Colonel Caller ordered a retreat to a nearby hill in order to consolidate his position. But the greediest of his followers held onto their booty as they drove their horses before them, while the

remaining Indians disappeared into a nearby swamp. The militiamen clung to their new possessions thinking themselves victorious, while Caller and Bailey tried to rally them. But the Indians rushed out from the swamp brandishing the guns they had never relinquished. From the swamp they ran to a bed of tall reeds, where they began shooting at the whites in the open woodland. This was more than Caller's militia could endure. Two-thirds of them fled into the surrounding forest. Caller himself, who had marked no trail, became lost in a labyrinth of pond and hammock land and saw-palmetto thickets. When he was found 15 days later he was "starved almost to death and bereft of his senses," babbling idiocies in his verdant hell. For him the war of the United States of America versus the Creek Indian nation had had an inglorious beginning.

The prosperous mixed-bloods of southern Alabama were frightened. The white settlers were more so. The Battle of Burnt Corn would surely be avenged by the Indians. Again the council fires began spiraling over the Creek towns: Hoithleaula, Sawanogee, Mooklausa, Wococou, Fooschatchge, Eufaula, Hookchoioochee. Again chanting echoed through velvet summer midnights, and the whites and mixed-bloods heard it as they tossed sleepless on their cots. They knew they had to take shelter.

A mile east of the Alabama on cypress-studded Lake Tensaw lived Samuel Mims, who had built himself a rambling frame house and large storage sheds. He had plenty of fresh water from nearby springs. Here the settlers quickly erected a stockade around an acre of sandy Alabama earth; they left 500 portholes in the fence, each one three and a half feet from the ground. They put up two unwieldy gates, one on the east and one on the west. Within the fort they hewed out temporary cabins, and at the southwest corner they started a blockhouse. To the south was a potato field, dotted by a few ramshackle slave cabins. Between the fence and Lake Tensaw tall slash pines flashed high needles in the sun; on the north were dense cane swamps, on the east trackless marshes. Fort Mims was possibly the most vulnerably situated outpost in the history of the American frontier. Men might hide undetected on any side of it.

The settlers did not wait for the blockhouse to be finished. They poured in with their featherbeds and cookpots, spinning wheels and axes and dogs and rations of dried meat. When Major Daniel Beasley arrived to take charge, he found two of the youngest men in what passed for command. The picketing needed to be strengthened, the blockhouse to be completed and two more built and scouts sent out to tell any friendly Indians that if they were hungry there was food for them at Fort Mims. Possibly Beasley himself believed that there were friendly Indians even after the unprovoked attack at Burnt Corn Creek. By this time there were 553 people jostling each other in the fort: civilians, whites, half-bloods, officers and recruits, black slaves, and bedraggled women in faded calico who nursed the inevitable sick in the Alabama swamp country in high summer. Malaria and dysentery claimed fresh victims daily; within the stockade the stench of

their suffering was undiluted by wind. Inland Alabama has no summer winds. In the swamps the water shimmered darkly and the slow snouts of alligators made semicircular ripples as they moved forward; water moccasins were curled over looping branches. The smell of sulfurous marsh gas drifted over the stockade to mix with the smell of disease and spoiling food. And thus Fort Mims waited.

Meanwhile Peter McQueen, the literate leader of the fateful expedition to Pensacola, received an interesting communication from British and Spanish agents in Pensacola who had heard of Burnt Corn Creek. "Fight the Americans," they urged him. "If they prove too hard for you, send your women and children to Pensacola and we will send them to Havana; and if you should be compelled to fly yourselves, and the Americans should prove too hard for both of us, there are vessels enough to take us all off together." The advice was bitterly debated in long *chofoka* councils. During these debates the young Chief Red Eagle sat pondering, his eyes flashing restlessly over his gathered tribesmen, his lips compressed. In his long blue-black hair he wore two eagle feathers. Red Eagle's father had been a white Georgian, his mother, a mixture of Creek and Scottish and French. He himself had elected his Creek identity. His brother, John Weatherford, had taken the white man's way. He had not felt the same strong bonds to Creek earth and to the mystical Creek religion which taught the identity of man and nature under Isakita Immissi, the Master of Breath.

Red Eagle knew that so far the Creek War had really been a civil war. His half-brother David Tait was a Red Stick dancer; a sister and all her sons were also in the war party, while her husband, McNac, had fled to Fort Mims. When Red Eagle spoke at last in the *chofoka* it was to say tersely: "Do not avenge Burnt Corn. Civil War will only weaken us." In Fort Mims the Creeks had many relatives, and there were white and black women and children there as innocent as the red women and children of the Creek villages. Red Eagle was listened to, for he was trusted as a man of honor, but the Red Stick warriors outvoted him. They then asked him to lead them on a Fort Mims expedition. No one had a better reputation than Red Eagle as a fighter and a commander of men. For the sake of his honor he consented; his loyalty was with his nation. The fort would be shut tight; the battle could be turned into a token charge against an impregnable target, and such a token would surely satisfy the families of the warriors killed by the whites at Burnt Corn.

On August 29, two young blacks were ordered to mind some Fort Mims cattle in a nearby field. Not long after they passed through the gate they came running back with the news that they had seen 24 Indians in war paint. Hurriedly, an officer rode to the spot with the blacks and a detachment of horses. There was not a sign of the enemy. The officer and his horsemen were disgusted. At sunset the blacks were dragged back to Fort Mims. One of them was tied to the stockade and beaten until his dark back was striped red with blood. The owner of the other refused to let his slave be punished for lying and was ordered by Major Beasley to leave the fort by 10

o'clock on the morning of August 30. By then the slave who had been flogged left the fort again to tend the cattle. Once more he saw a large group of Indians in the nearby forest. But this time, his back swollen with lashes, he fled to a distant settlement where he might be believed. In the meantime, the other slave's owner had abandoned his defense. The hapless black was tied to the stockade in the hot sun where he waited to be beaten. Some of the soldiers sprawled on the ground laughed at him; others indifferently played cards. A group of teenagers danced by the open gate, while nearly a hundred small children frolicked among the tents and, giggling, hid from each other behind the cabins. Inside, the sick moaned fitfully.



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fled the people of Fort Mims. "Oh, God, I am a dead man!" cried the father of Samuel Mims as his scalp was lifted from the pulp of his head. Somebody shouted, "To the bastion! To the bastion!" A Spaniard from Pensacola knelt with sandspurs digging into his knees, crossing himself. A black slave exultantly delivered a white child to one of the Red Sticks. Fort Mims burned on, and its stench now was that of a charnel house. Five hours later the Indians collected the booty that was left and melted away to spend the night in the forest, its stolid trunks interlaced against the hectic light from the burning cotton gin. Not until midnight did the flames subside. By then the Red Sticks slept by their small camp fires. But Red Eagle did not sleep.

For Andrew Jackson, the war of the United States of America versus the Creek Indian nation had had an inglorious beginning.

Red Eagle and his men—a thousand Red Sticks—waited in the swamps, their view of the fort obscured by thick cane. Their faces were painted black and their arms and legs yellow, for they had taken the path of war. They carried medicine bundles, the red sticks of invincibility, and their tomahawks, and they also carried rifles and guns from Pantan Leslie and Company. At noon they heard the fort's drum summoning the officers and soldiers to lunch. For a breathless moment longer they waited. Then, with a massive whoop, they sprang forward. Only then was Red Eagle close enough to see, to his horror, that the fort gate stood wide. His warriors rushed ahead. Beasley hurried to the gate and tried to shut it, but it was banked in Alabama soil and wouldn't move. In a single blow Red Sticks felled Beasley, then left him to crawl behind the gate, where he died of his gashes. Five designated prophets began dancing Red Stick dances; some of the soldiers managed to get to their weapons and shot them down. Red Eagle was shouting, trying to hold his men back. "See!" he roared out, "the Red Stick prophets weren't invincible!" But there was no stopping the Indians. They killed soldiers, settlers, blacks, women, and children. Outside the pickets another group of prophets had gathered to dance and shriek their incantations.

When the Indians set fire to the main building as well as the sheds, the flames fanned into a sunburst, and their smoke sti-

In the fetid fog of early morning, he ordered his braves to bury the Fort Mims dead. Quietly they began laying them between rows of potatoes, covering them with loose dirt and thickly clustered potato leaves. But there were too many corpses, and the Indian wounded were moaning in pain, begging to be returned to their villages. Some were put into palmetto canoes on the Alabama; others left on foot. A party of them staggered to Burnt Corn Creek, where they died. In the forest, terrified dogs ran and yelped. Also in the forest a Red Stick warrior named Sanota hid. In Fort Mims, he had found a woman who had once befriended him. He had hurried away with the woman and her children, explaining to his fellows that he wanted them as slaves. For weeks he hunted game for the little family; eventually, when they were strong enough, he guided them to a white settlement and then faded back into the wilderness from which he had come. At Fort Mims, a party of militia arrived to bury the dead. A young captain swallowed hard: "It is a promiscuous ruin."

Early in September, at an inn in Nashville, Tennessee, Jacksa Chula Harjo lay dying. The blood from a dueling wound was soaking through the two mattresses underneath him. All the frock-coated physicians of Nashville were gathered gravely at his bedside, sure the end was near. His left shoulder had been shattered by one bullet, and another had

imbedded itself in the upper bone of his left arm. All but one of the doctors agreed on amputation. Jackson was only half-conscious, but as he heard the rising and falling of their voices he began to realize what was being said. "I'll keep my arm," he rasped.

On September 12 he was still alive and convalescing at the Hermitage, his Nashville plantation. He was in bed when the news of the Fort Mims massacre came to him. "By the Eternal, these people must be saved!" His voice grew stronger as he raised himself on feather pillows and cried vengeance for the whites of the Alabama frontier. Soon he was sitting up and announcing to the men of his regiment: "The health of your general is restored. He will command in person!"

Shortly thereafter he swung onto a tall horse to ride against Red Eagle and the Red Sticks in their Moon of Roasting Ears. Fastidious politicians in Washington hadn't liked Andrew Jackson when he had represented his district in Congress. "A tall, lanky, uncouth-looking personage," they had sniffed. "Queue down his back tied with an eel skin . . . Dress singular . . . Manners those of a rough backwoodsman." But backwoodsmen were better at dealing with rebellious Indian chiefs than perfumed dandies were. In Winchester, Virginia, another "rough backwoodsman" prepared with his regiment to march against the Creeks. His name was David Crockett.

Driving hard into Alabama, where Choctaw Chief Pushmataha joined them (Choctaws and Creeks were traditional enemies), Jackson's forces descended on Black Warriors' Town, a Creek settlement on the Black Warrior River, where they sacked what they could and then razed the place. The Creeks had fled before them. Then Jackson turned south, establishing forts as he went. By early November he was camped at Ten Islands, near present-day Gadsden, from where he sent out his subordinate John Coffee to destroy the nearby Creek town of Tallussahatchee. Just after sunrise, Coffee's men rushed up to the doors of the Creeks' houses; in a matter of minutes they had killed every warrior in the town, though "the enemy fought with savage fury." The surprised Red Sticks, Coffee noted, "met [death], with all its horrors, without shrinking or complaining. Not one asked to be spared, but fought as long as they could stand or sit." Coffee's troops were not satisfied with killing the 186 warriors of Tallussahatchee. For good measure they shot down women and babies until the ground ran vermilion. They went from house to house slashing and firing. Tallussahatchee had been a peaceful little town without any defenses whatever. One of the Indian women "had at least twenty balls blown through her," David Crockett noted. Afterward he added, "We shot them like dogs." The avenging of Fort Mims was crueler than the original massacre since it involved a place utterly without fortifications. Fort Mims, Red Eagle had assumed, would have protection. Not a warrior escaped from Tallussahatchee. One of the Creek houses had 45 people inside it when Coffee's men put the torch to it. The Indians' screams didn't bother the soldiers; they spent the next day "eating potatoes from the cellar stewed in the oil of the Indians we had burned up the day before which had run down on them."

A few days later, Jackson led his troops into Talladega. "We shall repeat Tallussahatchee," he said confidently. But his ranks broke; veteran army men blamed it on draftees. Later the draftees started to mutiny. Jackson held them at bay with his rifle resting on the neck of his horse; his left arm was still useless. "I'll shoot dead the first man who makes a move to leave!" he thundered. That ended the mutiny.

The warriors of eight Creek towns gathered in Artussee on the east bank of the Tallapoosa River, at the mouth of Calebee Creek. It was a place sacred to the Red Sticks, "beloved ground" that had been reserved for Creek war councils. Surely the magic sticks, the incantations, and the Dance of the Lakes would protect them here. But the Red Sticks hadn't reckoned on the bizarre reinforcements which arrived to swell Jackson's ranks. Four hundred friendly Indians, mostly Choctaws but some Creeks who opposed the Red Sticks, arrived in the care of a Jewish trader named Abraham Mordecai who had a reputation as "a queer fellow" among the Creeks. He traded his wares for ginseng root, hickory nut oil, and pelts. What the Indians didn't know was that hickory nut oil was considered a delicacy by French epicures in New Orleans. Mordecai sold it there for many times more than what he had paid for it. Sometimes Mordecai was "amorous." He had been charmed by a Creek squaw, wife of a Red Stick warrior, and emerged from this intrigue with a thrashing that had left him unconscious and his trading post a heap of ashes. The Red Sticks recognized Mordecai only too well when they saw him. They also recognized many of their brother Creeks who, with Jackson's soldiers, put the torch to Artussee's houses. This time 200 Creek Indians were burned alive; 400 of their wooden houses and outbuildings went up in smoke, and women and children and infants perished in a second avenging of Fort Mims. When the news reached Red Eagle, he led his warriors to Ecunchate, the most holy ground of all, where they believed they would truly be unconquerable. Not only would red sticks protect them, but stout fencing and a location atop a river bluff. Ecunchate symbolized the relationship of the Creeks to the earth. Its sacredness represented the sacredness of every other inch of Creek soil where Creeks hunted or tilled.

It marched the troops of Jackson's Chula Harjo. The Creeks hastily evacuated their wives and children into the sanctuary of surrounding swamps across the river. Most of the Red Sticks also were able to escape when Jackson's cavalry failed to understand orders and charged. But the soldiers were exultant; they had the destroyer of Fort Mims, Red Eagle himself, at bay. Red Eagle, however, was too quick for them. He leaped onto his gray horse and began a wild ride along the banks of the Alabama. With Jackson's cavalry in pursuit, horse and man flew against the wind until they reached a high bluff 15 feet above the river. Red Eagle hesitated only a moment. Then, "with a mighty bound" he and his horse pitched over the bluff to the river below, where they disappeared beneath the waves. Incredulous, Jackson's horsemen watched horse and man rise again. Red Eagle held his horse's mane with one hand and his rifle with the other. Ecunchate, the Holy

Ground, had been reduced to smoldering ruins, but Red Eagle survived. The winter of 1814 passed with Jackson on an elusive Red Eagle's trail, while Jackson's troops laid waste to Creek towns. Now Red Eagle was determined never to give up. Jackson had turned Indian against Indian in his determination to subjugate every red man in the United States. At the Horseshoe Bend of the Tallapoosa River, Red Eagle gathered his Red Sticks to build a breastwork of logs; assailants would be exposed to cross fire. Into the Horseshoe Bend poured the militant braves of Hillabee Town, Oefuske, Oakchoie, Eufaulahatchee, Yauca, Hickory Ground, and the Fish Pond Town, all of them waiting for Andrew Jackson who had been joined by a regiment of Cherokees from north Georgia and the Carolinas. These Cherokees believed that in the Red Sticks they were fighting renegade outlaws and that Jackson cherished their loyalty and would reward them well. It was the Cherokees who captured the Red Sticks' canoes by stealth

"If we part with them,
we part with our blood."

and took them to the other side of the river, where they were soon filled with Choctaws, Cherokees, and Americans who paddled furiously across to throw torches into the warriors' midst at Horseshoe Bend. The breastwork went up in smoke. The defenses of the Red Sticks crumbled. The Indians died at knife- and gunpoint, red sticks clutched in their charred hands. Most of the warriors who tried to escape by plunging into the Alabama were caught by Jackson's men and drowned, their heads wrenched by hostile hands under the brown water. After it was all over, gunsmoke drifted above the Tallapoosa while mockingbirds sang obliviously and sunlight streamed through the vapor onto the corpses. Only 10 Red Sticks had escaped. But one of them was Red Eagle, and at the junction of the Coosa and Tallapoosa he tried heartening the other nine. It was no use. This, too, was Beloved Ground, but the demoralized Creek warriors had lost their faith in the Religion of the Dancing Lakes, in Tecumtha's prophecies and red sticks and the blood-tingling music of war. They left Red Eagle to muse at the Beloved Ground alone.

One evening, in front of his quarters, Jackson was "accosted by an unarmed, light-colored Indian" who wore buckskin breeches and tattered moccasins.

"General Jackson?"

"Yes?"

"I am Bill Weatherford." Inside, Red Eagle explained why he had come to surrender to his antagonist. "I can oppose you no longer. I have done you much injury. I should have done you more, but my warriors are killed. I am in your power. Dispose of me as you please."

"You are not in my power," Andrew Jackson answered slowly. "I had ordered you brought to me in chains, but you

have come of your own accord. You see my camp. You see my arms. You know my object. If you think you can contend against me in battle go and head your warriors."

"Ah!" Red Eagle's smile was dry. "Well may such language be addressed to me now. There was a time"—he paused—"a time when I could have answered you. I could animate my fighters to battle, but I cannot animate the dead. General Jackson, I have nothing to request for myself, but I beg you to send for the women and children of the war party who have been driven to the woods without an ear of corn. They never did any harm. Kill me instead, if the white people want it done."

Wordlessly Jackson offered Red Eagle a glass of brandy. The warrior drank it. "Save the wives and children of the Creeks, and I will persuade to peace any Red Sticks remaining in my nation," he said. Deliberately, Jackson nodded. Then he extended his hand. Red Eagle took it, looked at his adversary's craggy features for a long moment and then, bowing, departed.

With that handshake, the two principal architects of the ultimate fate of the American Indian had sealed a bargain. Red Eagle's leadership in war had angered America. It had also convinced Andrew Jackson that America's frontiers would always be frontiers while there were Indians to annoy the settlers. The Indians must go. They couldn't be exterminated wholesale because of world opinion. But they could be uprooted and packed off to some remote corner of the country where they wouldn't be in the way. This haven would belong to them, they would be told in the traditional language of America's Indian treaties, "as long as the green grass grows and the water flows," provided they began biking en masse with a military escort to get there. At the Horseshoe Bend of the Tallapoosa River in Alabama, Andrew Jackson silently pledged himself to the policy of Indian Removal, which in his presidency was to become law. It would be a simple law: any Indian who remained on his ancestral lands affirming his Indian identity would be a criminal. The Indians would be relocated somewhere on the West's Great Plains. It didn't matter that the Great Plains already had Indian inhabitants who could hardly be expected to welcome red refugees. But the government would tout as a mecca the grasslands and forested river bottoms near the Red and Arkansas and Verdigris rivers, in Red Eagle's time an all but uncharted mystery. Not until five decades had passed did the Choctaw Indian Allen Wright give it a name—perhaps not without irony. The Choctaw word for red was *houma*; *okla* meant people. Oklahoma was Indian destiny before it graced a single map. Not an Indian alive, except those who already inhabited it, considered it Holy Ground. East of the Mississippi, Ecunchate was lost land, a lost dream, and the road that led out of it forever became the Trail of Tears. 

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THE DESTRUCTION OF THE KINGDOM OF KONGO

In 1482, the Portuguese navigator Diego Cao set sail from Lisbon harbor in search of a passage to the Indies. In a three-masted caravel, Cao traveled in a broad arc past the Canary, Savage, Madeira and Cape Verde Islands; rounded Cape St. Vincent and Cape Nao in the Maghreb; suffered his sailors' puns—"He who reaches Cape Nao will return or *nao* (not)"; revictualled at Arguin, a slave entrepot above the Senegal River, at Fort Mina, an armed post flush with gold dust from the trans-Saharan trade, and at Cape Santa Catarina below Africa's bulge, until then the outer limit of the known world. Then, trimming his lateen sails to navigate against the prevailing headwinds, he sailed into the Southern Hemisphere, in whose unfamiliar skies neither his astrolabe nor his almanacs availed him further. Soon he came to the effluence of a river whose discharge sent sweet red water and clumps of grass and bamboo for miles into the Atlantic, so he named it the Powerful River, or *Rio Poderoso*. Thinking it might lead him to the fabled realm of Prester John, he coasted into its mouth on an afternoon breeze. Crocodiles and hippopotamuses

by David Lopes

lay stunned by heat on banks of brilliant orchids. Flocks of parrots chattered at sunset from tangles of mangrove. Eagles wheeled overhead.

Like crabs crawling along a coastline, the Portuguese had been exploring the African littoral and the Atlantic islands for decades before Cao reached the Kingdom of Kongo. The Canaries were mentioned by the intrepid Roman geographer Pliny, who called them the "Fortunate Isles," and died observing the eruption of Vesuvius in A.D. 79. The Canaries lingered in the European imagination, "patches of twilight in the Sea of Darkness," but it wasn't until 1339 that they



Early 16th-century Portuguese map of Africa, created 1508.

were rediscovered and settled by the Portuguese. Thereafter, the pace of exploration quickened. In 1415, Prince Henry the Navigator, spurred on by his astrologer, skimmed the profits from his Lusophone soap monopoly, equipped an expedition, and seized the town of Ceuta, opposite Gibraltar. In 1419, a Genoan captain in the pay of Prince Henry struck Madeira. Settlers named the first children born there Adam and Eve. The Azores and the Cape Verdes were discovered in mid-century as navigators inched down Africa's bulge. Everywhere they went, the Portuguese kidnapped a few of the locals, brought them to Portugal, taught them Christianity, and sent them back. Also, because they had heard from Jewish traders about the Mansa of Mali, a man so rich that on his *hajj* in 1324 he had single-handedly caused prices in Egypt to spiral, they asked about gold. Some historians wonder which motive was more important. Others say both:

It was this mixture of the deeper passions—greed, wolfish, inexorable, insatiable, combined with religious passion, harsh, unassailable, death-dedicated—that drove the Portuguese remorselessly on into the torrid, fever-ridden seas that lapped the coasts of tropical Africa and beyond.

What historians know of the Kongo Kingdom is fragmentary. Sources include contemporary European accounts, private letters, church correspondence, bills-of-lading, papal bulls, missionary memoirs, slaver propaganda, embassy appointments, oral histories, ethnographic fieldwork, and a pirate's autobiography. Researchers have combed the archives of the Vatican, Rome, Florence, Milan, The Hague, Madrid, Lisbon, London, Paris, Brussels, and Sao Tome. On splint houses above the Congo River and in decaying hillside villages, anthropologists have sat down with tape recorder and note pad to sift the memories of old men. Despite these efforts, there's a lot that isn't known. Archives in Africa were destroyed by "cannibals" and fires. Sources contradict each other. Descriptions are vague or hostile. Parsing the old documents in the light of anthropological knowledge of present-day societies—a technique favored by many but not all researchers—is a bit like solving story problems by looking at the teacher's manual, with this punchline: the manual goes to a later edition of the problem book.

When the court and king of the Kongo first learned that a whale-colored people from a place called *Mputu* had arrived at the mouth of the *Nzere*, their sails "like knives in the sun," the kingdom was perhaps only six generations from its founding, late in the 13th century. Like the great empires of West Africa, the Kongo emerged by subjugating its neighbors through war and incorporating them into a broad-reaching trading zone. The wars of conquest were not remembered for their difficulty. One Kongo noble told a 17th-century chronicler that the original inhabitants of his region were small men with big heads, fat bellies, and short legs. When they fell down, he said, they had trouble getting up. At its peak, the kingdom formed a rough square stretching from the mouth of the river to Malebo

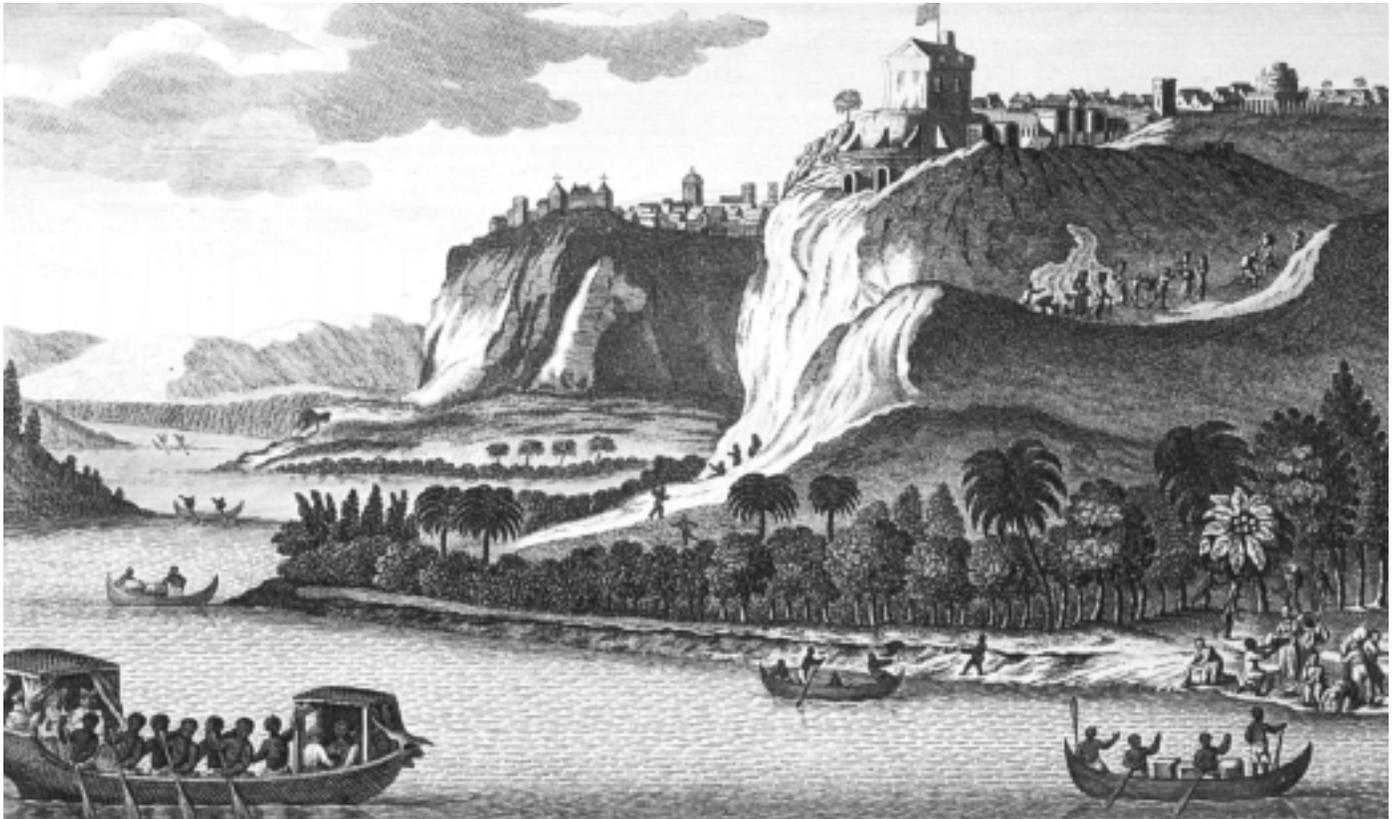
(Stanley) Pool, and from Luanda Island into present-day Angola. It would have been slightly larger than Portugal, and nearly as populous.

The king's household, an enclosure a mile and a half around, contained walled paths, palisades, decorated huts, courtyards, and gardens. One early traveler compared it to the Cretan labyrinth. Trumpeters and soldiers stood guard at its entrance. Mbanza Kongo, the capital city, rose on a cliff overhanging a river and a narrow valley fringed with forest. On its fertile plateau two springs gave crystal-clear water. Estimates of the population vary: at the time the Portuguese arrived, 60,000 to 100,000 people were said to live in the capital; the only other town of note, the capital of the coastal province of Sonyo, had a population of about 15,000, and the various other provincial capitals were considerably smaller.

From his throne of ivory and sculpted wood, the king ruled through an elaborate network of councilors and governors, clan elders and local chieftains, priests and electors. He maintained that network through alliance, marriage, trade, and force. Of his 12 councilors, four by statute were women. In theory, the king could neither declare war nor open a road without the councilors' consent; in practice, the king's power depended on his political skills. A strong king, for example, could replace his governors at will; a weak one struggled to maintain their loyalty. No rule of primogeniture applied. Instead, clan elders picked the future king from among the sons of the dying king's lesser wives. Despite the fact that successions were sometimes bloody, it was a system that ensured continuity: anyone sharp enough to earn the clan elders' loyalty was usually savvy enough to rule. Sometimes border provinces tried to break away, and sometimes peasants led local tax revolts, but the benefits of trade, on the one hand, and the power of the king to levy an 80,000-troop army, on the other, were usually enough to discourage rebellion.

When a man died, he was officially mourned for eight days. Then the man's principal wife led the relatives to the nearest river, cut the belt that her husband had worn in life, and threw it in. The river carried the belt away, "together with the sadness for the lost one." During that period, male kin wore white whenever they approached the corpse—white being the color of the dead. On the eighth day, women applied a mix of powdered charcoal to their faces and chests to signify the end of mourning, though a variety of rites and prohibitions were in effect for up to a year thereafter. The dead were buried in a special thicket. On their graves were placed objects indicating their status in life: chairs and cups on the tombs of title holders; baskets of roots and herbs on those of curers; hammers, bellows, and anvils on those of smiths. On the tombs of hunters were placed the skulls of wild beasts.

Besides the ancestors, there were gods of earth, water, and sky, with their accompanying cults, symbols, powers, and priestly castes. Some governed the fertility of the land; others the success of war or the acquisition of wealth and office. For



View of Mbanza Kongo, capital of the Kongo Kingdom, 1591.

the Kongo, a chance encounter with a peculiarly shaped twig or stone was loaded with meaning; whirlwinds incarnated the spirits of noble ancestors; grubs caused rain; albinos, dwarves, and twins could cure infertility, kill thieves, or prevent elephants from destroying the house; and disease was the invariable outcome of witchcraft. Fifteenth-century Christians brought with them a religion that had grown aggressive, doctrinaire, and remote; the landscape of the Kongo was charged with ambiguous significance, replete with signs and symbols of the sacred.

If, as many scholars now insist, the European explorers did not “discover” the world—it had, after all, been discovered by countless indigenous peoples already—they nevertheless inaugurated a global process of dis-enclavement, threading the first tenuous connections between the dispersed and disparate civilizations of the earth. For many non-Westerners that process would result in destruction, dispossession, or death. And because freedom emerged as a defining ideal of the West during an era in which the worst abuses of that freedom were routine, our vision of the past can take on a clarity it lacked in the event, obscuring how tentative, uncertain—in a word, explorative—those early oceanic adventures were. More medieval than modern, the explorers learned by going where they went. And in doing so, they not only redrew the map, they also discovered the countless ways people had devised of being human. That is what makes the European encounter with the Kongo—the first large-scale, previously unknown civilization the Europeans came upon—

so riveting: one can see, in those early moments, how things might have turned out differently.

In 1491, King Joao of Portugal sent to “his royal brother” the king of the Kongo a richly provisioned expedition that included priests, carpenters, stone masons, and women, who were to instruct the Kongo in housekeeping. (An expedition the following year, to the nearby island of Sao Tome, included two German printers, with printing press.) Received with a jubilation that even they must have found astonishing, this first batch of colonizers went to work. Within months, the masons had built a stone church and the priests had baptized the king and most of the nobility.

For their part, the Kongo thought that the Europeans were water spirits, gods of fertility. Painted in white and naked to the waist, they had greeted the European colonizers in a ceremony that was, according to the historian Ann Hilton, “clearly an *nkimba* [fertility] cult assembly.” Soon after the Europeans arrived, the brother of a traditional high priest discovered a black stone in the shape of a cross, proving to the Kongo that the newly introduced religion belonged, as they had suspected, to the dimension of water and earth spirits. (After all, the whites resembled albinos, who were thought to have special powers in this regard.) The Kongo king then insisted on being baptized before going off to war, because he wanted the protection that the European ritual might give him.

Given the odd ideas they had about each other—the Portuguese, to give one example, thought that if they traveled too far inland the moon’s rays would swell their heads—it’s

not surprising that the Kongo and the Portuguese often found each other baffling. What is surprising is how quickly the Kongo were able to take advantage of their contact with Europe. Fruit from Asia, the Americas, and the Mediterranean—orchards of guava, lemon, orange, papaya, papaw, mango, kumquat, and pineapple—throve in the Kongo's tropical soil. The American cassava, or manioc tuber, replaced millet, sorghum, and *luco* as the starch of choice. Pineapple wine, sugarcane beer, English rum, and Indian ganja all joined palm wine on the shelf of local intoxicants. The Kongo quickly adapted European technology that they found useful: the Kongo king substituted an exotic horse tail for the elephant tail he had used as his own personal fly whisk. The nobility saw the benefits of literacy and sent their sons—and sometimes their daughters—to missionary schools early on. In the mid-17th century, paper was in such demand that it cost a hen per sheet, and a common missal cost a slave.

More surprising than the Kongo adoption of European crops and technical skills is the kingdom's acceptance of some aspects of Christianity and Portuguese political organization. Like Kemal Ataturk or the leaders of the Meiji Restoration, the kings who ruled the Kongo in the 16th and 17th centuries responded with astonishing enterprise and creativity to the European challenge. "Not until our own time," asserts the historian Jan Vansina, "would such an attempt at massive but free and selective acculturation be seen again." The Kongo kings embraced elements of Catholicism to give their rule a stronger ideological basis; they struggled to secure their succession along Portuguese lines. And yet, despite these ingenious, sometimes heroic efforts, the Kingdom of Kongo was destroyed, as completely as the empires of the Aztecs or the Incas. By 1678, a visitor to Mbanza Kongo reported that the capital had been sacked, and that elephants were roaming in the ruins, eating bananas off the abandoned trees.

In a word, the reason for the Kongo's demise was sugar. Sugar had been known to Europe from about the 10th century. Fulcher of Chartres, who accompanied the army of the First Crusade and chronicled their hardships, is one of the first Europeans to mention it:

In those cultivated fields through which we passed during our march there were certain ripe plants which the common folk called "honey-cane" and which were very much like reeds.... In our hunger we chewed them all day because of the taste of honey. However, this helped but little.

But it was not until the late 15th and early 16th centuries that sugar replaced honey as the sweetener of choice, and thereafter it gradually became a staple. On that appetite the great sugar plantations of the Atlantic islands and Brazil flourished. And in their fields and mills, the institution of chattel slavery, which since Roman times had been all but extinguished, flickered back to life. One historian has written that the sugar plantations prefigured the transformation of European society, "a total remaking of its economic and social basis." For Africa, that transformation would be a bitter one:

it was largely in order to meet the labor demands of the Atlantic island and Brazilian cane sugar plantations that the slave ships first came to Africa, leaving in their crowded wake a subdued and chastened continent. Four centuries of slavery had their genesis in the cane fields outside Jerusalem.

In the history of this period there is no more pivotal or enigmatic figure than Mvemba Nzinga. Known to generations of Africans by his Christian name, Afonso I, he ruled as king of the Kongo from 1506 to 1543. So little is known about him that he reflects to every age something of its own image: to contemporary Portuguese he was a figure of miracles, a soldier saint, a Christian scholar who knew more of the Bible than the priests who came to instruct him. Here is how one priest described him in a letter to King Manuel of Portugal:

May Your Highness be informed that his Christian life is such that he appears to me not as a man but as an angel sent by the Lord to this kingdom to convert it, especially when he speaks and when he preaches. For I assure Your Highness that it is he who instructs us; better than we he knows the prophets and the Gospel of Our Lord Jesus Christ and all the lives of the saints and all things regarding our Mother the Holy Church, so much that if Your Highness could observe him yourself, you would be filled with admiration. He expresses things so well and with such accuracy that it seems to me that the Holy Spirit speaks always through his mouth. I must say, Lord, that he does nothing but study and that many times he falls asleep over his books; he forgets what time it is to dine, when he is speaking of the things of God.

To later missionaries, reading these accounts in what appeared to them a lapsed and impenitent era, the age of Afonso was a gilded moment, the focus of a consoling nostalgia that was distinctly Christian in its location of an unredeemed present enfolded in a grace past and future. In the 1960s and 1970s, the image of Afonso underwent another sea change: to liberals, he appeared as a "forest Othello," too innocent and trusting to understand that his dream of bringing European civilization to Africa was doomed by European duplicity—by priests eager to swap missals for slaves. To pan-African nationalists, he became one of the first great figures of resistance, the black king of legend who struggled to save his people from bondage.

The most recent scholars to have studied the early history of the Kongo, parsing the few contemporary documents with sophisticated textual and analytic tools, present a more prosaic, complex picture. And perhaps it is because we see something of ourselves in the canny and prismatic spirit who emerges that the portrait seems at once more ambiguous and more realistic than earlier ones.

Afonso seized power in 1506, upon the death of his father, King Joao I. As the firstborn son of the king's principal wife, Afonso was ineligible for succession. By tradition, that right belonged to sons of the king's lesser wives. But Afonso had the Portuguese in his silk tabard pocket. As the governor of Nsundi, the north-easternmost province, Alfonso had devel-



In this sixteenth century drawing a Portuguese captain kneels before King Afonso, whose African subjects prostrate themselves on the ground.

oped close ties with Europeans searching for Prester John. And as the firstborn, he was seen as the only legitimate heir by Portuguese priests, a perception he did much to encourage. Unlike his father and brothers, who had quickly lost interest in the *mundele's* religion because of its stricture against polygamy, Afonso maintained his commitment to Christianity. Accounts of the battle by which he won accession to the throne show how helpful that commitment was. Greatly outmanned, Afonso met his half-brother Mpanzu a Kitima outside the capital. A Portuguese priest described what happened next:

Here Dom Afonso, and his handful of men, were ranged against the pagans and his brother; but before the latter had

come face to face with the king, he was suddenly and entirely routed, and put to flight. . . . Being overcome by fright, Mpanzu rushed headlong into the ambush covered with stakes, which he himself had prepared for the Christians, and there, almost maddened with pain, the points of the stakes being covered with poison, ended his life.

Afonso and the early chroniclers tended to ascribe his victory to the Virgin Mary and St. James, "sent from God to his aid." But the presence of Portuguese guns and cavalry in the ranks probably didn't hurt Afonso, either. (In other accounts, Afonso had his brother put to death after the battle was won.)

Once in power, Afonso borrowed aggressively from Europe. He sent his sons to be educated in Portugal. One was

consecrated Bishop of Uttica by Pope Leo X—Africa's first and only bishop for 400 years—and another became a professor of humanities at the University of Lisbon. Afonso himself seems to have studied everything. After reading five thick volumes of Portuguese law lent to him by a certain Balthasar de Castro, he quipped: "Castro, what is the punishment, in Portugal, for those whose feet touch the ground?" Afonso established schools in Mbanza Kongo and in the provincial capitals and sent the sons of hundreds of nobles to them. To prevent the boys from sneaking away during their lessons, he built high wooden fences around the schools. In 1526, he wrote to the king of Portugal asking for more grammarians.

Though he never wavered in his profession of faith, Afonso seems to have used Christianity like one of those foreground-background pictures that let you see two figures in profile or, alternatively, a vase. To missionaries, he appeared a devout Catholic; to Kongo, the beneficiary of a powerful new cult. He cleared the ancient thickets where the graves of the ancestors lay, and on them built churches. He called the new churches *mbila*, meaning tombs. He appointed the traditional high priest of the water dimension to be in charge of the maintenance of the churches and the provision of holy water for baptismal rites. The priest, who had initially opposed Christianity, became an ally. Afonso took the traditional domain of witchcraft, with its concern for worldly success, and onto it grafted Catholicism—a religion whose prayers and relics were understood as European spells and fetish objects. Then he gave the new cult prominence as his own personal spiritual realm and used it to legitimize his rule. Soon there were kingly cults, with their respective (Catholic) churches, in "every lordship and province" in the land. He destroyed the fetishes of his opponents, and though he presented himself to Europeans as a "married Christian monarch," he contrived to leave behind 300 grandchildren.

In 1507, a year after seizing power, Afonso sent to Portugal a shipload of copper and ivory. By 1511, however, he was already complaining of the behavior of certain Europeans living in his realm. In the first of 22 surviving letters between Afonso and successive Portuguese kings, he asked Manuel—the Portuguese king—to send an ambassador to the Kongo capable of restraining them. In 1512, responding in a lengthy *regimento* (a sort of protocol), Manuel specified the kinds of military, technical, and religious assistance Portugal was prepared to give Afonso. Accompanying the missive were an ambassador and a contingent of priests, soldiers, and technicians. The *regimento* asked about the prospects for acquiring slaves: "This expedition has cost us much," it concluded; "it would be unreasonable to send it home with empty hands." There were, in fact, few slaves available for purchase in the Kongo, but Afonso raided a neighboring kingdom after a border skirmish and acquired 600 prisoners. These slave captives probably sold to the plantation owners of Sao Tome and to the king of Akan, in West Africa, whose realm at that time produced roughly 10 percent of the world's annual gold output. (In the early 1500s, gold and sugar were, pound for pound, nearly equally valuable.)

Soon thereafter, settlers on the tiny island of Sao Tome, apparently impatient with the trickle of slaves Afonso was willing or able to export, opened their own slave depots at the mouth of the Congo River. Under Kongo law, only criminals and prisoners of war could be sold as slaves, so the *Tomistas*, many of whom were themselves exiled Portuguese criminals, bribed chiefs, encouraged crime, incited rebellions, and instigated wars. They also blackballed priests, killed messengers, refused to ship Afonso's other products (chiefly copper and ivory), defied the Portuguese king, and, along the way, introduced Africans to venereal disease. In 1515, Afonso wrote to Manuel asking that he be allowed to take over the island. In 1517, he asked to purchase a boat, so that he could at least trade with the Portuguese without interference from the *Tomistas*. "Most powerful and high prince and king my brother, it is due to the need of several things for the church that I am importuning you," wrote Afonso. "And this I probably would not do if I had a ship, since having it I would send for them at my own cost." In 1526, he wrote to Manuel's successor, King Joao III:

The excessive freedom given by your factors and officials to the men and merchants who are allowed to come to this Kingdom . . . is such . . . that many of our vassals, whom we had in obedience, do not comply. We cannot reckon how great the damage is, since the above-mentioned merchants daily seize our subjects. . . . Thieves and men of evil conscience take them because they wish to possess the things and wares of this Kingdom. . . . They grab them and cause them to be sold; and so great, Sir, is their corruption and licentiousness that our country is being utterly depopulated . . . to avoid this, we need from your Kingdoms no other than priests and people to teach in schools, and no other goods but wine and flour for the holy sacrament; that is why we beg your Highness to help and assist us in this matter, commanding the factors that they should send here neither merchants nor wares, because it is our will that in these kingdoms there should not be any trade in slaves nor market for slaves.

When this letter went unanswered Afonso tried to block the slave trade himself, but this was impractical and maybe impossible. The Kongo king's power derived from being the apex of the trading system. "If Afonso [had] ejected the Portuguese traders," writes the historian Anne Hilton, "the tributary governors would certainly have welcomed them and hastened the disintegration of the state." Instead, Afonso established a commission of three royal officials to examine the slaves and determine whether they were "truly war captives or kidnapped free men." The commission had little effect. Afonso continued to complain of the "inordinate covetousness" the slave trade had induced in his kingdom, spoke of slavery as "that great evil," and protested that "under cover of night" nobles and freemen were still being stolen from their homes. And in a letter Afonso wrote to accompany five of his nephews and a grandson on their journey to Portugal, he wrote:

We beg of Your Highness to give them shelter and boarding and to treat them in accordance with their rank, as relatives of ours with the same blood . . . and if we are reminding you of this and begging of your attention it is because . . . we sent from this Kingdom to yours . . . with a certain Antonio Veira . . . more than twenty youngsters, our grandsons, nephews and relations who were the most gifted to learn the service of God . . . The above mentioned Antonio Veira left some of these youngsters in the land of Panzamlumbo, our enemy, and it gave us great trouble later to recover them; and only ten of these youngsters were taken to your Kingdom. But about them we do not know so far whether they are alive or dead, nor what happened to them, so that we have nothing to say to their fathers and mothers.

Joao replied in 1529. He opened on a solicitous note. Did Afonso no longer want to trade with Portugal? If that was his wish, so be it. But he should know that to refuse to engage in trade was “contrary to the customs of all nations.” Here Joao plunged his knife: “It would be no honor to Afonso or to his kingdom . . . if it were said that the Kongo had nothing to trade and it were visited by only one ship per year. What glory, on the other hand, attended a kingdom capable of exporting 10,000 slaves annually!” Twisting the knife, Joao concluded, “If one of your nobles were to revolt against you, rich with merchandise from Portugal, what then would become of your glory and your power?”

Given the immensity of what followed—9 to 11 million Africans shipped to the New World in the next three centuries, millions more dead from wars fomented to secure slaves or from the horrors of the middle passage, an enduring legacy of hatred and grief—a novelist might be tempted to portray Afonso in the labyrinth of his palace, weighing the imponderable future of his kingdom against a trade whose sorrows he himself had experienced. Unfortunately, all we know for sure is that by the late 1520s, a thriving slave trade had evolved at Malebo Pool in the northeastern corner of the Kongo, and that this was a trade Afonso could—and did—profit from. For one thing, the slaves came from distant lands, so that the Kongo were themselves no longer subject to the depredations of the slavers. For another, the route the caravans took on their way to the slave ships passed through the capital, allowing Afonso to tax and regulate the trade. By the 1530s, 4,000 to 5,000 slaves were leaving Kongo shores each year, and the Milky Way, which traced the axis of their movement, was nicknamed *Nzila Bazombo*—the Road of the Slavers—for the men who drove them to the coast. In 1540, Afonso could boast to Joao of his kingdom’s importance to the transatlantic trade: “Put all the Guinea countries on one side and only Kongo on the other and you will find that Kongo renders more than all the others put together . . . no king in all these parts esteems Portuguese goods so much or treats the Portuguese so well as we do. We favor their trade, sustain it, and open markets and roads to Mpumbu where the slaves are traded.”

After reading Afonso’s eloquent and well-tempered letters protesting the trade, it is, of course, dismaying to come across a letter like this one. The transatlantic slave trade was so man-

ifestly cruel that one wants to believe that from the start there was abundant resistance to it. This much can be said for Afonso: in an era in which slavery was universally accepted, he did everything in his power to see that his own people were safe; he resisted Portuguese slavers for 20 years, and only cooperated with them when he was faced with the prospect of his country’s imminent collapse; in dire circumstances he managed not only to ensure his nation’s survival, but saw to its prosperity. There is, as well, some evidence that Afonso may never have been as cooperative as the slavers would have liked, even after he had established the slave markets. In 1539, for example, eight Portuguese, led by a priest, burst into the cathedral where Afonso was attending High Mass (it was Easter Sunday) and sprayed the chancel with musket fire.

Ultimately, however, a letter like the one of 1540 shows how sentimental it may be to imagine that Afonso felt any qualms about the trade itself. Few nations made out better

The king’s household,
an enclosure a mile
and a half around,
contained walled paths,
palisades, decorated
huts, courtyards, and
gardens.

than the Kongo in the early years of slavery. “Through his monopoly on European products,” writes Hilton, “Afonso was able to draw many of the neighboring groups into tribute and to create a greater Kongo which far exceeded the nuclear kingdom of the late 15th century and which added to his wealth, prestige, and power.” By the late 1520s, the kingdoms of Ngola a Kiluanje in the south and Matamba in the southeast had sent tribute. In the next decade, several states north of the Zaire, including a prime copper-producing region, had also sent presents, and so had groups from the eastern plateau and the southern mountains. By the time Afonso died, sometime in the early 1540s, the Kongo was one of the most powerful kingdoms in Africa, its people among the wealthiest, and its position seemingly unassailable. It would not be so for long.

In 1568, a mysterious ethnic group from Central Africa attacked the Kongo, and like barbarians at the gates of Rome, laid waste to the countryside and sacked the capital. They attacked with such speed that the king of Kongo had hardly any warning of the invasion or time to raise his troops. The court, assorted European merchants and missionaries, and thousands of ordinary citizens of Mbanza Kongo fled to an island on the Congo River, where they suffered from chronic hunger and the bubonic plague. For three years, crocodiles

feasted on the hundreds of dead and dying who were cast into the surrounding waters, and the Kongo king sent one SOS after another to his royal brother in Portugal. Eventually a 600-man contingent of Portuguese soldiers arrived via Sao Tome, rallied the remnants of the Kongo army, and routed the invaders. It turned out, comic book style, that the sound of gunfire frightened the “cannibals” half to death.

The new, post-restoration Kongo resumed its role as a primary exporter of slaves to the New World. But the lesson of the Portuguese repulsion of the invaders was clear: Europeans might not yet be able to invade and occupy African states, but they held the balance of power among them. That lesson was not lost on the powers emerging on the African scene in the early 17th century. By now, the trade had grown so lucrative that both the Portuguese and the Kongoleses found themselves competing for business. (The volume of the African slave trade tripled from 1500 to 1575, and doubled again in the next quarter century.) French and British pirates, like Andrew Battell and Sir John Hawkins (who was knighted for

“It is our will that in these kingdoms there should not be any trade in slaves nor market for slaves.”

his piracy by Queen Elizabeth I), raided the Portuguese cargo ships. The Dutch, nearing their moment of global ascendancy, waged war on Portugal in Europe and abroad. Meanwhile, kingdoms to the north and south of the Kongo emerged as major slave-producing regions, and innumerable tiny ports along the West African coast hung out the slaver shingle as well. Most of these places could sell slaves for less than the Kongo because slaves elsewhere didn’t have as long a march to arrive at the coastal depots, and weren’t as heavily taxed as those that passed through Mbanza Kongo. (Prices for slaves varied dramatically over the years, but tended to fall during the 17th century and rise again in the 18th.)

Pushed out of the slave trade, the Kongo staved off decline for a half century by producing cloth that the Portuguese exchanged for slaves up and down the African coast, but eventually lost even this advantage to European and other African weavers. Gradually, the authority of the Kongo state frittered away. In 1615, the Portuguese colonized the shell-producing island of Luanda, which for two centuries had been the source of the Kongo’s *nzimbu* money, and also began importing shells from Brazil and India. In four years, the value of the Kongo currency plummeted by 80 percent. Sensing the Kongo’s weakness, Queen Nzinga of Angola annexed the Kongo’s southern provinces and siphoned off

slaves from the interior. By the early 17th century, Angola was furnishing a quota of 12,000 slaves per year, most of them Kongoleses subjects, to European merchants.

In addition, the Portuguese began distributing guns more widely, which altered the balance of power away from the capital and toward the provinces. The Kongo’s coastal province of Sonyo declared independence, and neighboring states that had once formed part of the greater Kongo broke free as well. Battles for succession harrowed the Kongo; eight kings ruled in the period between 1614 and 1641.

In 1665, a bitter dispute over mineral rights with the Portuguese governor of Luanda, led to a final, disastrous conclusion. In a Manifesto of War dated July 13, 1665, the then-Kongoleses king, Antonio I, ordered all able-bodied Kongo men to enlist in a fight to protect their “lands, possessions, women and children, their lives and their liberties.” According to later Portuguese estimates, 100,000 Kongo, 190 musket-bearing mulattos, and 29 Portuguese answered his call. On October 30, Antonio and his troops met the combined forces of Luanda and Portugal in fields outside Mbwila, a market town in north-central Luanda. It was drizzling and Antonio hoped the rain would dampen the Portuguese guns. It did not. The Kongo lost 5,000 men, including Antonio, his two sons and two nephews, four of the seven governors, various court officials, 95 title holders, and 400 other nobles. Portuguese losses were minimal.

The Kingdom of Kongo never recovered. It splintered into hundreds of competing chieftainships, all led by *infantes* claiming descent from Afonso I, all variously cooperative or mercenary, and all dependent on the slave trade for their survival. Soon there seemed to be a slave factory in every village in the land, and the trade fed, and fed off of, a civil war that verged on complete anarchy. Over the years, visitors to the capital Mbanza Kongo reported that the population there varied from 100 to 5,000 people, depending on the transitory success of the local chief in reviving the idea of the kingdom. But as a legitimate, viable political entity, the Kongo died in 1665.

Or perhaps it is more accurate to say that the Kongo, no longer a state on a map, became, as it had been before Cao, wholly a place of the imagination. Once, Africa was a land of a million strange shadows, known only by the stories travelers overheard in distant marketplaces and repeated in tallow-lit taverns far from home. Cited and peopled by countless Scheherazades, the continent the medieval cartographers drew recalls a time when the words “wondrous” and “awful” were synonymous: on the ancient maps, the places labeled *terra incognita* were never blank, but populated residences of the imagination. The explorers who plotted the continent’s profile and sounded its coastlines expected to be astonished, and were. Imagine what a giraffe, or an elephant, or a manatee looked like to the first Europeans to see them. Imagine Bartolomeu Dias rounding the Cape of Good Hope and seeing the African coast stretch northward—after traveling 5,000 miles in a ship no larger than the average American house. Imagine feeling the

warmth of the Indian Ocean, and seeing the dhows of Mombassa and Zanzibar that even then had sailed as far as India. But behind the explorers came the missionaries and the slavers (who were often the same person), and with no more than the usual dose of arrogance and greed they shriveled the continent to the size of their hearts. "Africans being the most lascivious of all human beings," wrote one slaver, "may it not be imagined that the cries they let forth at being torn from their wives, proceed from the dread that they will never have the opportunity of indulging their passions in the country to which they are embarking?"

In 1508, when a young black woman arrived in Scotland (off a wrecked pirate ship, possibly), King James IV held and won a royal joust in honor of "that ladye with the mekle lip-pis." A century later, Shakespeare and Rembrandt gave to their portraits of Africans an intelligence and dignity that later centuries would scarcely credit, and dozens of lesser painters of the Italian and Northern Renaissance sprinkled their canvases with images of blacks that were no more or less condescending than their image of Europeans. In the 15th and 16th centuries, the pope and the secular kings of Europe welcomed African potentates to their courts, and treated them with all the deference due royalty. But slavery needed a myth to sustain and justify it. So in the bedrooms of the Brazilian sugar estates, where oriental drapery wilted from balustrades in the humid air, and from the lecterns of the cathedrals that the missionaries built, stories took root of the African as a tom-tom player and a devil-worshiper, an uncivilized savage, a sex-fiend and cheerful submissive. "The people of Guinea," wrote one German scientist in the 18th century, "are more insensible than others towards pain and natural evils, as well as towards injurious and unjust treatment. In short, there are none so well adapted to be the slaves of others, and who therefore have been armed with so much passive obedience." And Thomas Carlyle proclaimed, dizzily, "Before the West Indies could grow a pumpkin for any Negro, how much European heroism had to spend itself in obscure battle; to sink, in mortal agony, before the jungles, the putrescences and waste savageries could become arable, and the Devils in some measure chained up!"

In this ideological transformation the Kingdom of the Kongo played a pivotal role. For it was with the discovery and exploitation of the Kongo, coming hard upon the establishment of the Atlantic sugar plantation, that the European demand for slaves was rekindled, and the identification of slavery and race made explicit. In the century prior to 1482, the number of black slaves taken annually from Africa numbered, at most, in the hundreds. Most worked in Mediterranean Europe as household servants, hospital orderlies, garbage collectors, or in similar menial positions. Color at that time was no bar to servitude: Greeks, Turks, Russians, Slavs, and Cretans were also enslaved, and most of the very first slaves shipped to Brazil were white. But after 1482, the number of slaves coming from Africa rose dramatically. By 1550, a Portuguese ditty could sum up Europe's changing perception of Africa, and of the Kongo in particular:

uns aos outros se vendem
& ha muitos merdadores
que nisso somente entendem
& hos enganam & prendem
& trazem aos tratadores.

*(They sell each other
there are many merchants
whose specialty it is
to trick and capture them
and sell them to the slavers.)*

Thus the question of who could enslave whom, and under what conditions, which had been a topic of lively debate in the early years of the European discovery and conquest of the New World, received a decisive answer. The die was cast: even today—some 300 years after the Battle of Mbvila—thriller novels and college bars still borrow the Kongo's name for its suggestion of the primitive. The old kingdom, its territory neatly bisected by the border between present-day Angola and Zaire, continues to exert an atavistic attraction, like an out-of-the-way theater in a once-fashionable neighborhood, where, on sporadic afternoons, the lights darken and the silent films still run.

In the decades and centuries that followed, neither war nor peace would succeed in reuniting the kingdom. And yet, however degraded, the idea of resurrecting the Kongo never entirely died. In the 1950s, F. Clyde Egerton, a visitor to Mbanza Kongo, reported of the former capital:

It has completely lost any romantic character it ever had, and is now no more than a straggling village. The walled cities have disappeared and the eleven churches with them. What is left of the Cathedral is unimposing, just the chancel arch and some low remains of chocolate-coloured walls. It is surrounded by the unkempt grass which is everywhere to be seen in the dry season; and the graves of the early kings of the Congo, rough, obelisk-like monuments in an untidy churchyard, look unkempt and neglected also.

Egerton wrote that he had spoken to an "old man of nearly seventy who sported a magnificent white mustache and who called himself Dom Pedro VII, the last king of Congo, but he was rumoured to be an impostor." He lived in an unpretentious house near the ruins of the cathedral. Around the walls of his house hung copies of paintings of Portuguese royalty. Egerton was shown the "regalia," which he described as a "royal robe trimmed with white fur, which looked more like rabbit than ermine, a silver crown, a sceptre, and miscellaneous utensils, none of which looked more than a hundred years old." The king, who died in 1955, was given a small subsidy by the Portuguese authorities, which he supplemented by growing a little coffee and rice. ☐

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Disenfranchisement

On Election Day 2000 in Florida, in the midst of all the dimpled ballots and hanging chads, Thomas Johnson stayed home. Johnson, the African American director of a Christian residential program for ex-offenders wanted to vote for George W. Bush, but was prevented by Florida law from doing so. In 1992, Johnson had been convicted of selling cocaine and carrying a firearm without a license in New York. After serving his sentence and moving to Florida in 1996, Johnson found that as an ex-felon he was barred from the voting booth. He was hardly alone in this situation, as at least 200,000 others in Florida who had theoretically “paid their debt to society” were also frozen out of the electoral process. Nationwide, four million Americans either serving a felony sentence or who had previously been convicted of a felony were also forced to sit out the election.¹

The laws that kept these citizens home can be traced back to the founding of the nation. In retrospect it is not terribly surprising that felons were excluded from political participation since the majority of the population was excluded at the time. With the founding “fathers” only having granted the vote to wealthy white male property holders, the excluded population also incorporated women, African Americans, illiterates, and the landless. Thus, political participation in the new democracy was extended to just 120,000 of the two million free Americans (not counting the more than one million slaves and indentured servants) at the time, about 6 percent of the population.² Except for convicted felons, of course, all these other exclusions have been removed over a period of 200 years, and we now look back on those barriers with a great deal of national embarrassment.

The exclusion of felons from the body politic derived from the concept of “civil death” that had its origins in medieval Europe. Such a designation meant that a lawbreaker had no legal status, and also had dishonor and incapacity imposed on his or her descendants. The concept was brought to North America by the English in the Colonial period. After the Revolution, some of the English common law heritage was rejected, but the voting disqualifications were maintained by many states. Two hundred years later, every state but Maine and Vermont (which allow prisoners to vote) has a set of laws that restricts the voting rights of felons and former felons. Forty-eight states and the District of Columbia do not permit prison inmates to vote, 32 states disenfranchise felons on parole, and 28 felons on probation. In addition, in 13 states a felony conviction can result in disenfranchisement, generally for life, even after an offender has completed his or her sentence. Thus, for example, an 18-year-old convicted of a one-time drug sale in Virginia who successfully completes a court-ordered treatment program and is never arrested again

The Modern-Day Voting Rights Challenge

by Marc Mauer

has permanently lost his voting rights unless he receives a gubernatorial pardon.

While the issue of disenfranchisement would raise questions about democratic inclusion at any point in history, the dramatic escalation of the criminal justice system in the past 30 years has swelled the number of persons subject to these provisions to unprecedented levels. Currently, 2 percent of the adult population cannot vote as a result of a current or previous felony conviction. Given the vast racial disparities in the criminal justice system it is hardly surprising, but shocking nonetheless, to find that an estimated 13 percent of African American males are now disenfranchised.

The coalescence of disenfranchisement laws and racial exclusion began to be cemented in the post-Reconstruction era following the Civil War. Prior to that not only were blacks in the South obviously unable to vote, but only six Northern states permitted their participation. But the newly enfranchised black population in the South was quickly met with resistance from the white establishment. In many states, this took the form of the poll tax and literacy requirements being adopted, along with a number of states tailoring their existing disenfranchisement policies with the specific intent of excluding black voters. One scholar describes this as a measure designed to provide “insurance if courts struck down more blatantly unconstitutional clauses.”³

The disenfranchisement laws adopted in a number of southern states were not at all subtle, often requiring the loss of voting rights only for those offenses believed to be committed primarily by blacks. In Mississippi, for example, the 1890 constitutional convention called for disenfranchise-

of Felons:



voting for decades, it did not disenfranchise rapists and murderers until 1968.⁹

While one might debate whether the *intended* effect of disenfranchisement policies today is to reduce minority voting power, it is inescapable that this *impact* could have been predicted as a logical consequence of the nation's wars on crime and drugs. The five-fold increase in the nation's inmate population since the early 1970s brought about both an absolute increase in numbers as well as a disproportionately greater impact on persons of color. Much of this was due to the inception of the modern-day war on drugs in the 1980s, whereby the number of persons incarcerated for a drug offense rose from 45,000 in 1980 to nearly a half million today. Blacks and Latinos now constitute four of every five drug offenders in state prison. A considerable body of research documents that these figures are not necessarily a result of greater drug use in minority communities but rather drug policies that have employed a law enforcement approach in communities of color and a treatment orientation in white and suburban neighborhoods.¹⁰ And the greater the number of minority offenders in the system, the greater the rate of disenfranchisement.

At modest rates of disenfranchisement such a policy is one that is clearly of concern to an individual felon but is unlikely to affect electoral outcomes in any significant number of cases. But at the historic levels that have been achieved

The exclusion of felons from the body politic derives from the concept of "civil death" that had its origins in medieval Europe.

ment for such crimes as burglary, theft, arson, and obtaining money under false pretenses, but not for robbery or murder.⁴ In the words of a Mississippi Supreme Court decision several years later, blacks engaged in crime were "given rather to furtive offenses than to the robust crimes of the whites."⁵

Other southern states—Alabama, Louisiana, South Carolina, and Virginia—followed this pattern as well in their targeting of "furtive offenses." The intent of such policy was made clear by the author of the Alabama provision, who "estimated the crime of wife-beating alone would disqualify sixty percent of the Negroes."⁶ Alabama's constitution also barred voting for anyone convicted of crimes of "moral turpitude," including a variety of misdemeanors. Here, too, the intent and effect were quite obvious, resulting in 10 times as many blacks as whites being disenfranchised, many for non-prison offenses.⁷

These policies were not of fleeting duration. Alabama's disenfranchisement law for offenses of "moral turpitude" was in place until 1985 before finally being struck down by the Supreme Court due to its discriminatory intent and impact.⁸ And while Mississippi barred many petty offenders from

in recent decades the issue is no longer one of merely academic interest but is likely to be having a profound impact on actual electoral results.

Sociologists Christopher Uggen and Jeff Manza have produced a sophisticated model for estimating the number of disenfranchised voters in each state and the effect of their absence on elections for national office.¹¹ Uggen and Manza assume that felons and former felons would vote at lower rates than the (already low) national rate but that they would be more likely to vote Democratic, given that they are disproportionately minorities (an estimated 38 percent African American) and poor and working-class whites. Even with a projected lower turnout they conclude that disenfranchisement policies have affected the outcome of seven U.S. Senate races from 1970 to 1998, generally in states with close elections and a substantial number of disenfranchised voters. In each case, the Democratic candidate would have won rather than the Republican victor. Projecting the impact of these races over time leads them to conclude that disenfranchisement prevented Democratic control of the Senate from 1986 to 2000.



Disenfranchisement policies are in sharp conflict with the goal of promoting public safety.

Supporters of felon disenfranchisement contend that regardless of their outcome these policies are important for several reasons. One of the significant court decisions, an Alabama case decided in 1884, found that denying the vote to ex-convicts was necessary to preserve the “purity of the ballot box” from the “invasion of corruption” and that “this class should be denied a right, the exercise of which might sometimes hazard the welfare of communities.”¹²

In more recent times, this rationale has been presented within the context of the “law and order” political climate, being expressed as a fear that convicted felons would presumably cast their vote in such a way as to weaken law enforcement institutions. In a significant New York case in 1967, Judge Friendly wrote that “it can scarcely be deemed unreasonable for a state to decide that perpetrators of serious crimes shall not take part in electing the legislators who make the laws, the executives who enforce these, the prosecutors who must try them for further violations, or the judges who are to consider their cases.”¹³ Or in the words of one modern-day proponent, “criminal disenfranchisement allows citizens to decide law enforcement issues without the dilution of voters who are deemed . . . to be less trustworthy.”¹⁴

In other words, ex-felons would presumably vote for policies that help criminals and thwart the legitimate interests of otherwise law-abiding members of the community. If so, this might set up a conflict between the principle of democratic inclusion and the need for public safety. But how real a threat is this? Suppose, for example, a group of burglars want to reduce the criminal penalties for burglary. First, they would have to field a candidate (either one of their own or someone else who is “pro-burglar”) to run for state office. They would then have to mount a rather effective campaign in this era of “get tough” politics in order to secure 51 percent of the vote. Once elected, the new office holder would have to convince a majority of the state legislature and the governor to reduce penalties for burglary. This hardly seems like a substantial threat to the safety of the community.

Perhaps a less fanciful scenario relates to drug policy. As the war on drugs has swelled prison populations and taken a disproportionate toll on minority communities, considerable opposition has developed to mandatory sentencing and related policies. In some neighborhoods substantial numbers of people are returning home after serving five-year prison terms for low-level drug offenses. Arguably, their voices and votes, along with those of their neighbors, might lead to the election of candidates who support scaling back harsh drug laws. Is there a policy rationale that justifies excluding persons who have experienced the impact of such laws from deliberating about their wisdom?

The prospect of electoral fraud is also sometimes raised as a legitimate concern in regard to felon voting. While there

might be some validity to this argument for felons convicted of electoral fraud, it is hard to imagine why a car thief or drug seller would have an interest in, or knowledge of, committing such an offense. Since more than 99 percent of felons have *not* been convicted of electoral offenses, this seems to be a rather overbroad concern. And when electoral fraud occurs, it rarely manifests itself in the presence of a voter in the voting booth, but rather through improper counting of ballots or outright bribery. One does not need to be a registered voter to commit these offenses. Ironically, in some states electoral offenses are only classified as misdemeanors and therefore persons convicted of these crimes are not subject to disenfranchisement.

Disenfranchisement is sometimes premised on being a legitimate aspect of punishment for a criminal offense, but this is curious in several respects. While all other aspects of sentencing are expected to be proportional to the offense involved and are imposed by a judge on an individual basis, disenfranchisement is an across-the-board penalty imposed on mass murderers and larcenists alike. Further, criminal convictions do not otherwise result in the loss of basic rights. Convicted felons maintain the right to divorce, own property, or file lawsuits. The only restrictions generally placed on these rights are ones that relate to security concerns with a prison. Thus, an inmate may subscribe to *Time* magazine but not to a publication that describes the production of explosive devices. Conflating legitimate punishment objectives with the denial of constitutional rights sets a risky precedent.

Proponents of disenfranchisement suggest that even in the most extreme cases the loss of the right to vote is never truly for a lifetime since all states maintain a process whereby ex-felons can seek restoration of their rights from the governor. While this is true in theory, in practice it is often illusory. A number of states impose a waiting period of 5 or 10 years before an ex-felon can even petition to have his or her rights restored. The process of seeking restoration is also often cumbersome and expensive. In Alabama, for example, ex-felons are required to seek a pardon from the Board of Pardons and Paroles, but also to provide a DNA sample to the state.¹⁵ Yet only four counties are set up to administer DNA testing, so an ex-felon might have to travel hundreds of miles to do so. In Mississippi, ex-felons must either secure an executive order from the governor or convince a state legislator to introduce a bill on his or her behalf, obtain a two-thirds majority in the legislature, and have it signed by the governor.¹⁶

Data on the number of former felons who have their rights restored are difficult to come by, but in one recent two-year period a total of 404 persons in Virginia regained their voting rights at a time when there were more than 200,000 ex-felons in the state.¹⁷ The state of Florida had previously instituted a procedure whereby the Department of Correc-

tions was required to aid released inmates in regaining their voting rights, and as many as 15,000 former felons a year were able to do so in the mid-1980s. But new rules imposed by the state in the early 1990s greatly restrict the number of eligible inmates, with the result that fewer than 1,000 persons a year have their rights restored. Those who are not eligible still have the option of applying for executive clemency, but this process involves completing a 12-page questionnaire that asks about such items as the details of a spouse's previous marriage, existing disabilities, amount of stocks and bonds owned, and a description of "your relationship with your family."¹⁸

While the rationale in favor of disenfranchisement is hardly compelling, there are two primary arguments which suggest that these laws are both counterproductive and out of line with evolving international norms. First, disenfranchisement policies are in sharp conflict with the goal of promoting public safety. Whether an offender has been sentenced to prison, probation, or some other status, a primary goal of the criminal justice system and the community should be to reduce the likelihood that the person will reoffend. One means by which this can be accomplished is through instilling within the offender a sense of obligation and responsibility to the community. Those persons who feel some connection to their fellow citizens are less likely to victimize others. As former Supreme Court Justice Thurgood Marshall stated, "[Ex-offenders] . . . are as much affected by the actions of government as any other citizen, and have as much of a right to participate in governmental decision-making. Furthermore, the denial of a right to vote to such persons is hindrance to the efforts of society to rehabilitate former felons and convert them into law-abiding and productive citizens."¹⁹

American disenfranchisement policies are also quite extreme by the standards of other industrialized nations. In no other democracy are convicted offenders who have completed their sentences disenfranchised for life, as is the case in more than a dozen states.²⁰ Of the handful of nations that restrict voting rights for a period of time after the conclusion of a prison term, those such as Finland and New Zealand only do so for several years and only for electoral offenses or corruption. A number of nations, including ones as diverse as the Czech Republic, Denmark, Israel, Japan, and South Africa, permit inmates to vote as well.

In recent years, the increased attention devoted to this issue has resulted in a reconsideration of some of the more extreme policies within the states. In 2000, the governor of Delaware signed into law a measure repealing the state's lifetime ban on ex-felon voting (imposing a five-year waiting period in its place), and the following year New Mexico did away with its lifetime ban as well. Connecticut went further, extending voting privileges to felons currently on probation as well. And in August 2001, the bipartisan National Commission on Federal Election Reform co-chaired by former Presidents Ford and Carter recommended that states allow for the restoration of voting rights for felons who have completed their sentence. In the wake of the national discussion

generated over electoral problems and reforms, the nation is likely to see a renewed focus on this area of public policy in the coming years.

The irony of the combined impact of American disenfranchisement policies along with the massive expansion of the prison system is that a half century after the beginnings of the civil rights movement increasing numbers of African Americans and others are losing their voting rights each day. As the Western democracy with the lowest rate of voter participation, it is long past time for the United States to consider means of bringing more Americans into the electoral process and end the practice of excluding large groups of citizens. ☐

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People with Disabilities:

Fifty-six million Americans have some type of disability. Two and a half million people use wheelchairs, 110,000 are blind and have no light perception, 1.7 million are legally blind, and 11 million people use sign language as their primary means of communication. These are visible disabilities.

However, it is important to know that most disabilities are “invisible.” Less visible are disabilities caused by epilepsy, diabetes, hypertension, heart disease, traumatic brain injury, mental retardation, AIDS, some forms of multiple sclerosis, psychiatric disabilities, and cancer.

Voting Registration and People with Disabilities

For a number of reasons, people who are disabled vote at a 10–20 percent lower rate than nondisabled voters. In fact, if people with disabilities voted at the same rate as those without disabilities, 4.6 million more votes would have been cast in the last presidential election.¹

Poor voter turnout by Americans with disabilities is partly a result of low voter registration rates. There are approximately 27 million people with disabilities who did not vote in the 2000 presidential election; more than 10 million are not even registered to vote.² In fact, people with disabilities register to vote at a rate that is 16 percent lower than able-bodied Americans.³

The National Voter Registration Act (NVRA), known as the Motor Voter Law, requires state agencies that provide services to persons with disabilities to offer voter registration to their clients “with each application for such services or assistance, and with each recertification, renewal or change of address form.”⁴ A National Organization on Disability/Louis Harris poll reports that only 58 percent of people with disabilities have been offered the opportunity to register to vote by their service providers, indicating widespread violation of the NVRA.⁵

Agencies required to offer this service include Paratransit providers. Paratransit is a public transportation system that offers curb-to-curb or door-to-door transportation for people with disabilities. Approximately one million people with disabilities nationwide receive Paratransit rides, and at least 400,000 of these individuals are not registered to vote. Recently, a district court in Pennsylvania ruled that the NVRA requires state-funded Paratransit agencies to provide voter registration opportunities to their clients.⁶ Plaintiffs in the case requested that the court make a declaration that the state violated the NVRA by failing to designate its transportation authorities as voter registration agencies.

A Question of Access

One of the reasons people with disabilities, especially those in wheelchairs, do not vote is because of difficulty accessing

The Sleeping Giant of American Politics

by Jim Dickson

polling places. A Rutgers University poll reports that 27 percent of nonvoting people with disabilities expect to have access problems at the polls. A General Accounting Office (GAO) report states that 84 percent of all polling places have some sort of barrier to voters with mobility disabilities.⁷ Gary Bartlett, the executive secretary-director of the State Board of Elections in North Carolina, recently surveyed the polling places in one of his counties. He found that 20 percent of that county’s polling places had been classified incorrectly as accessible. Rhode Island is the only state in the country to make all its polling places wheelchair accessible.

Over the past few years, the disability community and election officials have been meeting to address these ballot access problems. The National Task Force on Election Accessibility published in 2000 a polling place access guide that is available on the American Association of People with Disabilities (AAPD) Web site, www.aapd-dc.org. This guide has been mailed by the Federal Election Commission to every election official in the country.

On the other hand, some states are making changes because the courts are forcing them to do so. On February 8, 2000, Judge Howard G. Munson of the Northern District of New York granted an injunction by that state’s attorney general requiring that Schoharie and Delaware counties modify their polling places to comply with the New York State Election Law and the Americans with Disabilities Act prior to New York’s presidential primaries. The lengthy and detailed decision rejected each of the counties’ arguments, including that the attorney general’s demands were unnecessary and “overly bureaucratic.”⁸ Lawsuits have also been filed against Philadelphia and Jacksonville, Florida. In August 2002, a settlement was reached in a suit against the District of Columbia, requiring accessibility for blind and mobility-impaired voters.⁹

In addition to the problem of physical access to the polling place, millions of disabled Americans are denied the right to cast a secret ballot. This includes voters who are blind



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The Reverend Jesse Jackson (L) addresses a group of disabled persons during an October 3, 2000, rally on Capitol Hill, to support Americans with disabilities. The rally sponsored by Rolling Freedom Express is aimed at affirming the constitutionality of the Americans with Disabilities Act.

and low vision, as well as those who have limited hand mobility. However, technology does exist that enables these voters to cast a secret ballot on a “talking voting system.” The voter hears the ballot and follows the prompts in the same manner as when a customer calls his bank or utility company, only in this case the computer is reading the names of candidates for office. Maryland and Georgia require one such accessible voting machine in every polling place, and the city of Houston has already used such a system in two elections. There are five manufacturers of accessible voting equipment. These are listed on the AAPD Web site.

Closing the voter registration gap and making polling places accessible are just the start to increasing the voter turnout of people with disabilities. These two agendas, while important, must be supplemented with nonpartisan voter education and get-out-the-vote drives. Disability service providers must promote the importance of voting to all of their clients. Local coalitions and disability advocates, assisted by national and state disability organizations, can help achieve this goal through multiple mailings and phone banking.

To increase the discussion of voting among disability service providers, the National Organization on Disability and the League of Women Voters have published a nonpartisan, get-out-the-disabled-vote manual. This comprehensive manual, also available on the AAPD Web site, contains detailed information and instructions for disability service providers.

Exercising the right to vote as full and equal participants in the democratic process is of great importance to all citizens with disabilities. The American Association of People with Disabilities’ Disability Vote Project seeks to showcase the importance of voting within the disability community. As the dis-

ability community establishes itself as a powerful voting bloc, Americans will be all the more ready to accept and encourage all that people with disabilities have to offer the nation. □R

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Managing the Diversity

Diversity Today

It's every CEO's worst nightmare. He's packing his briefcase for the evening when he gets a panicky call from his public relations firm. There's a story set to appear in tomorrow's *Wall Street Journal*: A class action suit is going to be filed against the company alleging pervasive racial discrimination. The lawyer spearheading the case has won multi-million dollar lawsuits against several Fortune 500 firms. Worse, there are rumors that a major civil rights figure may be launching a boycott against the company, damaging its reputation in ways that will take years to undo.

Then a call comes in from the VP in finance: The company's shares in early evening off-hours trading have dropped by three points, and are falling fast. Oh, and there's probably nothing to this—the VP's voice drops to a whisper—but has he heard anything about an incriminating audio tape? Something about racist language at a recent executive staff meeting?

Still consulting with finance, the CEO is interrupted by the persistent beep of call waiting. It's the *New York Times*. The questions come fast—faster than he can answer them. Any response to the lawsuit? Was he aware of the racial tension at his Decatur, Illinois, plant? How many senior VPs in the firm are African American? Just the one? Out of how many?

Nothing quite this dramatic, of course, has ever occurred to any real company. Even when disaster strikes, it's usually spread out over a period of weeks or months. Still, if the timeline has been condensed for dramatic effect, the incidents it describes are real enough, as any reader of the business pages will recognize. The \$132 million dollar settlement at Shoney's is dwarfed by the \$176 million settlement at Texaco, which in turn is trumped by the \$192 million settlement at Coca Cola. Small wonder that diversity and anti-sexual harassment training have mushroomed into a billion dollar business, or that company chieftains woo civil rights leaders today as assiduously as they romance Congress.

As companies scramble to avoid lawsuits, however, they're discovering something surprising: Diversity, it turns out, can be good for them. "How well an enterprise works—

how productive it is in a highly competitive global economy—depends on whether it has people who are comfortable working across lines of race, class, religion, and background," say former Ivy League university presidents Derek Bok and William Bowen. "Diversity is a business imperative because it affects competitiveness."

This article takes that proposition as its theme. In a nation that is becoming increasingly multiethnic, and in a world that is ever more interconnected, diversity has become an inescapable business reality. Managed well, diversity can be a source of competitive advantage; managed poorly (or simply left to its own devices), a source of frustration, resentment, and yes, even disaster.

Business can't be given the task of reforming society or of righting the nation's historical wrongs. That is a task for everyone—individually and collectively. But business can make sure that the doors of opportunity are held open to all. If there is one consistent message to be gleaned from the existing research and from the experience of countless corporations, it is that responding proactively to diversity is not only the right thing to do, it's also the smartest. As Jocelyn Roberts, a human resources manager for a DC-based technology company, noted, "We view diversity as something more than a moral imperative or a business necessity. We see it as a business opportunity."

The Demographic Revolution

The challenge of the 20th century, the great African American scholar W. E. B. DuBois wrote prophetically in 1903, would be the problem of race. For American business leaders, the challenge of the 21st century may also prove to be race—as well as ethnicity, gender, age, religion, disability status, and sexual orientation, to list just a few of the many ways that Americans now define and distinguish themselves.

To understand why race—and, increasingly, these other dimensions of personal identity—continue to be so salient, consider the demographic changes now underway. In 1900, fully 87 percent of people living in the United States were white; most of those who weren't white were African Americans living in the Deep South. By 1950, those percentages

Revolution

Best Practices for
21st Century Business *by David Aronson*



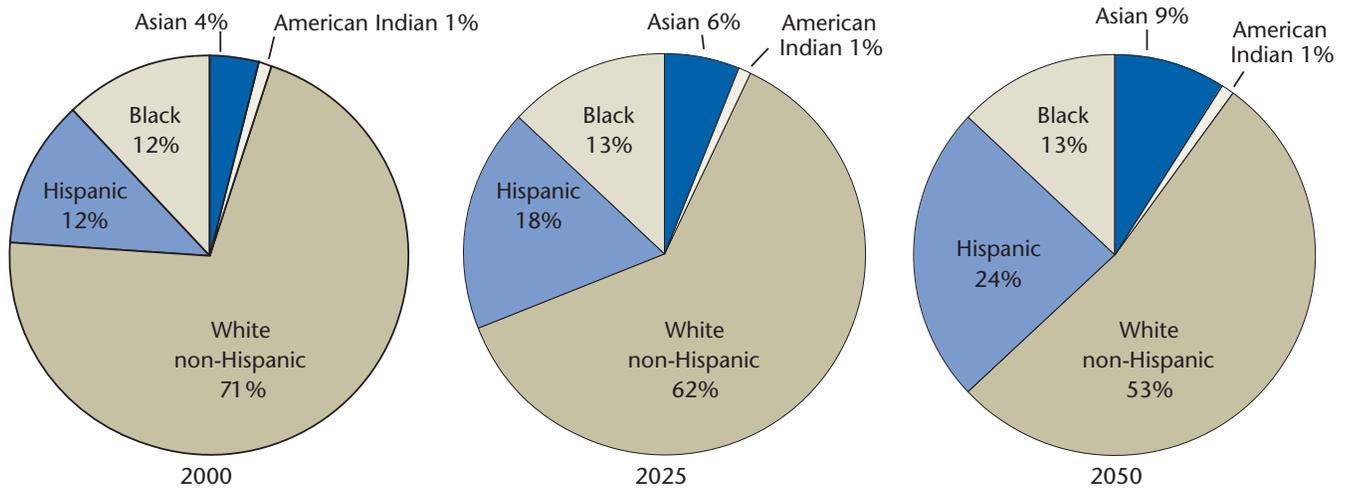
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hadn't changed much, although large numbers of blacks were migrating north in search of better opportunities in the industrializing cities. Today, however, less than 75 percent of Americans are non-Hispanic whites. There are just as many Hispanics as blacks, and growing populations of Asian and Middle Eastern Americans. By 2050, there will be nearly twice as many Hispanics as African Americans, and—in absolute numbers—more Asian Americans than there are African Americans today. By the middle of this century, non-Hispanic whites will no longer be a majority of the population. In other words, *we will all be minorities*.

No nation in history has experienced such a swift—indeed, such a revolutionary—change in its demographic

composition. Yet it is a revolution that almost never makes the headlines. Like the frog that doesn't notice that the water in the pot is heating up, we rarely grapple with the true significance of all the incremental changes taking place. The increasing number of fashionable Asian restaurants in our cities, the proliferation of Latino entertainers on our TVs; these are mere hints of something much deeper and vaster happening below the surface. The United States, as the writer Farai Chideya has argued, is making the transition from being a majority-white nation concerned with black and white issues, to a majority-minority nation insufficiently aware of—and insufficiently prepared for—its emerging multicultural identity.

Figure 1. U.S. population by race and ethnic group, 2000, 2025, and 2050



SOURCE: U.S. Census Bureau, *Projections of Resident Population*, various years. Based on 1990 Census data with a projection of moderate immigration growth.

Businesses, of course, have a particular interest in dealing with the practical realities of this change—if they don't want to end up like the proverbial frog. Indeed, the changes are even more dramatic at the business level. Because immigration skews a population young, the labor force of today and tomorrow will be even more diverse than the population at large.

In addition, race and ethnicity are now just part of the "diversity equation." The civil rights movement gave rise to a host of other groups seeking recognition, further complicating the picture. Women, religious minorities, the disabled, gays and lesbians—these are just a few of the groups that have given such a kaleidoscopic quality to today's political and social landscape. Today, only 29 percent of families composed of a married couple with children live in a traditional two-parent household with a stay-at-home mom and a working dad. Especially when Americans not living in such an arrangement are taken into account, it is clear the nation is a long way from the era of *Father Knows Best*.

Ted Childs, vice president for workforce diversity at International Business Machines (IBM), points out another reason diversity is key: There are more than 12 million women- and minority-owned businesses in the United States, transacting more than \$1.4 trillion in business each year. The percentage of women- and minority-owned firms has more than doubled in the past decade. The number of Hispanic-owned businesses alone jumped from 400,000 to 2 million between 1986 and 1996. And Asian Americans have founded more than 600,000 new businesses over the past two decades. Today, Childs points out, there are more than 83 million people of color in the United States, who, combined, have an income or spending power equivalent to the GNP of such mid-size nations as France, the U.K., or Spain. "White men in America only have so much money," Childs

says. "If you measure a business by how it grows, you have to focus on people of color and the elderly. They are the nation's fastest growing demographics."

For Maria Johnson, vice president, Office of Diversity, Health, and Worklife Initiative, at Fannie Mae, diversity is also a bottom-line issue. Fannie Mae specializes in the secondary mortgage market; the company has an interest in seeing as many people own homes as possible. Fannie Mae's analyses suggest that the housing saturation gap—the difference between the number of people who own their own homes and the number who could—is much higher for various minority groups than it is for whites. "We estimate that at any moment, about 75 percent of whites could own their homes, and about 70 percent do. The saturation gap is only about 5 percentage points. For some minority groups, such as Hispanics, the gap is more like 20 points, so every dollar invested [in encouraging them to buy homes] yields higher returns."

Much of the early impetus behind the diversity movement in corporate America came from the Hudson Institute's 1980 report, *Workforce 2000*. That report made headlines by predicting that by the year 2000, only 15 percent of entrants to the workforce would be white males. As it turns out, that statistic wasn't quite accurate, or to put it more charitably, wasn't quite understood accurately. The 15 percent referred to net new entrants, a figure that represents the number of those who are entering minus those who are retiring for each group, expressed as a percentage of the total.¹ There has been something of a backlash as a result of this misunderstanding, with several analysts contending that the significance of diversity has been exaggerated. It is important therefore, to speak clearly and accurately. Between 1998 and 2008, about 42 million people will have entered the workforce. Forty-one percent will be ethnic/racial minorities. Around 29 percent will be

white women. And slightly more than that—roughly 30 percent—will be white men (see figure 2). If this is far from the 15 percent cited in the headlines, it is still an extraordinary change from say, 1940, when white men constituted 69 percent of the workforce.

The changes are even more striking considering the other factors in effect. Fifty years ago, whites and blacks may have both worked in an office building, but chances are that the white worked as, say, a lawyer, and the black as a janitor. Today's workplace, while still imperfect, is far more integrated. Indeed, sociologists tell us that work remains the one relatively integrated setting left: There is, they say, a worrying trend toward resegregation in our neighborhoods, schools, civic associations, and so on.

In addition, the nature of work is changing. The factory worker stamping rivets on an assembly line circa 1930 may have worked side-by-side with the fellow cranking the boiler, but they didn't need to work together in the way that, say, a Web designer has to work with the marketing crew and simultaneously coordinate with the technical experts. It's difficult to quantify the extent of this change, but the new, post-industrial economy clearly puts a premium on team-based, knowledge-driven production.

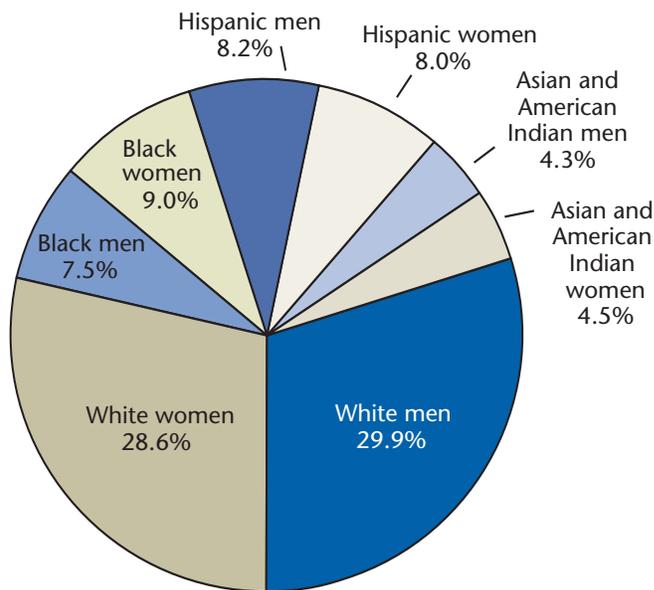
Finally, globalization is affecting us all, propelling immigrants to new lands, knitting together ever-richer information networks, and releasing capital across borders, like water seeking level. These processes will fundamentally alter the nature of the corporation itself. As management guru Peter Drucker has said: "It is still generally assumed that the domestic economy, as defined by national boundaries, is the ecology of enterprise and management. . . . But in today's transnational [environment], the country is only a 'cost center.' Management and national boundaries are no longer congruent." America is becoming, as more than one writer has noted, the world's first universal nation.

In short, the critics of the diversity movement are wrong. Diversity is indeed here to stay, for reasons both domestic and international. Politics, economics, technology, and demography are all propelling us toward a more interdependent, multicultural world. But the fact that it is inevitable doesn't make diversity any simpler or easier. In fact, diversity poses a host of new challenges for business leaders. Among these challenges: Getting the most out of a multicultural workforce; appealing to an increasingly segmented consumer market; clearing complex regulatory hurdles; and, not least, avoiding lawsuits and negative publicity.

Hidden Costs and Neglected Opportunities

The argument for managing diversity has both positive and negative dimensions. On the negative side, managing diversity poorly entails costs. The most spectacular, of course, are the costs of litigation and negative publicity. It will be years before Texaco (now ChevronTexaco) lives down one executive's infamous 1994 remark that "the black jellybeans are always stuck on the bottom." Its share price dropped \$5 after news of that tape recorded remark surfaced.²

Figure 2. Entrants to the labor force, 1998 to 2008



NOTE: Racial categories exclude Hispanics who may be of any race.
SOURCE: Fullerton, *Monthly Labor Review* (November 1999).

Other negative outcomes, such as turnover and absenteeism, can be measured and "priced out," and intermediate values can be derived from workplace satisfaction surveys. A series of workplace surveys by Innovations International found that compared to white men, women and people of color were more likely to report that their talents and abilities were being significantly underutilized at work: White men on average report 85 percent of their abilities are being used; white women, 75 percent; and people of color, only 65 percent. Simply from a business perspective, the waste of human capital implied by this discrepancy is troubling.

One estimate in the early 1990s was that the turnover rate for women was 100 percent higher than for men, and 40 percent higher for blacks than whites. In 1988, Mobil found that women were leaving the company at rates 2.5 times the average for men, after controlling for child bearing. With the costs of replacing workers averaging \$5,000–\$10,000 for hourly wage earners, and well over \$100,000 for senior managers, these costs add up quickly.

As revealing as these numbers are, they barely scratch the surface of the true costs of poor diversity management, because most of its consequences are difficult if not impossible to quantify. How to measure the loss of productivity entailed by negative attitudes, inefficiencies arising from intergroup workplace tensions, and overlooked opportunities? There are opportunity costs, as well. What if Brand X hadn't foreseen the potential of the Hispanic market, and lost this growing niche to Brand Y? What if 25 percent of women managers weren't burned out or cynical about their firm's stated commitment to "family values," when it requires them to work 60-hour weeks as an unstated condition of advancement? It is

safe to assume that most of the burden associated with diversity failures comes in the form of a penalty or tax against a firm's optimum performance, rather than in the form of direct outlays, for example, to settle litigation.

But Is It Good for You?

Managing diversity is about more than avoiding negative outcomes. Diversity advocates make a stronger claim: Managed well, they say, diversity can be a positive force, spurring creativity, dynamism and excellence, renewing and refreshing the corporation, and ultimately improving the bottom line. Authors have made different arguments in favor of diversity, and five consistently come to the fore:

One is the resource-acquisition argument, which states that companies with the best reputations for promoting diversity will attract the best workers. Why? Because, as their share of the labor force increases, more and more of the best workers will be drawn from the ranks of women and minorities. They'll naturally prefer an environment known to be friendly to their concerns—as will ever-increasing numbers of white

men who favor working in progressive, dynamic environments. Or as Ernest Hicks, manager of corporate diversity and college partnerships at Xerox, says, "People don't go to work for companies that have bad reputations for diversity."

Another is the resource-maximization argument, which states that a firm gains a competitive edge if it is able to hire, retain, and promote top performers, regardless of their racial/gender status. Overcoming the factors that unduly limit employees' potential liberates talent that may have been stymied or gone under-utilized. The goal, says Carl Brooks, president of the Executive Leadership Council, a group of senior African American executives, "is to create an environment where everyone feels an opportunity to be discovered and utilized to their capacity."

A third argument is creative problem solving. This claim relies on the common-sense notion that the more perspectives that can be brought to bear on a problem, the more and better solutions you are likely to generate. Other research suggests that exposure to diversity helps individuals develop more complex understandings of the world, leading to more pro-

How have minorities fared in corporate America?

One person with a particularly up-close view of developments in the field is Carl Brooks, president of the Executive Leadership Council. The ELC is an organization of 250 senior-level African American executives and entrepreneurs. "Progress is slower than we had anticipated," he admits. "The big issue is not outright racism, it's breaking into the club. We're accepted as senior partners, but with a few exceptions haven't yet made that transition to top-level board members and CEOs."

The view that the situation hasn't changed as much as it could have appears to be confirmed by the statistics regarding workplace discrimination. Indeed, from the frequency of the headlines about workplace lawsuits and the steadily mounting sums awarded as a result of Equal Employment Opportunity Commission (EEOC) complaints, it can seem like the situation has improved very little.

- Highly publicized lawsuits at Texaco in 1997 and Coca Cola in 2000 were settled for \$176 million and \$192 million, respectively (see table 1).
- The number of charges filed with the EEOC has grown by 100 percent over the past decade (see figure 1).

- The average settlement award for an employment practice liability lawsuit has increased fourfold since 1994 alone (see figure 2).
- Six of every 10 corporations have been hit with at least one sexual harassment lawsuit in the past five years, according to the Society for

Human Resource Management, and firms with more than 250 employees report an average of six sexual harassment complaints a year.

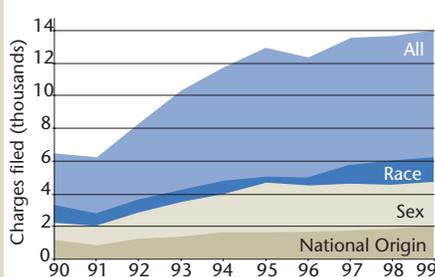
Meanwhile, white males continue to predominate at the higher levels of most corporate structures. Hispanics, African Americans, and American Indians are more likely than whites or Asians to work in lower-paying semi-skilled jobs or as service workers. They are less likely to hold white-collar jobs, and if they do, they are more likely than whites or Asian Pacific Americans to work as typists, clerks, or salespeople than as managers or profes-

Table 1. Major settlements

Company	Settlement amount (in millions)	Charges
Coca Cola	\$192.5	Race
Texaco	\$176	Race
Shoney's	\$132.5	Race
Home Depot	\$87.5	Gender
Publix	\$81.5	Gender
Denny's	\$54	Race
Southern California Edison	\$11	Race

SOURCES: Scott Leith, "Coke Near Trial on Bias Lawsuits," *The Atlanta Journal and Constitution*, Apr. 3, 2002, p. 3D; *Los Angeles Times*, "EEOC Seeks Role in Texaco Settlement," Nov. 21, 1996, p. D3; L.A. Winokur, "Shoney's Progress Noted Since Settlement," *The Atlanta Journal and Constitution*, Nov. 16, 1997, p. 3Q; "Apple Ad Debut," *USA Today*, Sept. 22, 1997, p. 1B; Simon Barker-Benfield, "In an Employment Scene That is Evolving for Workers of Both Genders," *The Florida Times-Union*, Feb. 2, 1997, p. A-1; "An Encouraging Sign," *Los Angeles Sentinel*, July 12, 1994, p. 6; Allyson Quibell, "Big Deals, Big Suits," *The Recorder*, Oct. 3, 1996, p. 4.

Figure 1. Harassment charges filed with the EEOC in the 1990s



SOURCE: U.S. Equal Employment Opportunity Commission, *Trends in Harassment Charges Filed with the EEOC During the 1980s and 1990s*, n.d., accessed at www.eeoc.gov/stats/harassment.html.

ductive and creative problem solving. In other words, diversity not only spurs work groups to be more creative, but inspires individuals to become more creative as well.

A fourth argument is the marketing argument, which, simply put, says that successful marketing requires a thorough and intimate knowledge of the culture you are marketing to. Diversity consultants invariably cite the example of Ford attempting to sell its Nova cars to Hispanics, seemingly unaware that “no va” means “doesn’t go” in Spanish. A more recent example is the U.S. Army’s new motto, “An Army of One,” which was translated into Spanish as “Yo soy el army.” Only advertisers familiar with shades of meaning and the actual speech habits of Hispanic Americans would select the English word “Army” over the Spanish “Ejercito”—which for many recent immigrants from countries with turbulent pasts has decidedly negative connotations.

A fifth argument relates to globalization. It says that the skills, languages, and cultural competencies of America’s diverse workforce are an invaluable resource in helping firms compete abroad. America’s immigrants, for

example, can help forge economic links between the United States and their countries of origin; their bilingual children help U.S. multinationals penetrate foreign markets.

Diversity Dilemmas

A number of conceptual and intellectual dilemmas bedevil the diversity movement. Like vast tectonic plates, they determine much of the diversity movement’s topography, its fissures and mountain ranges and occasional volcanic controversies, yet remain largely hidden from view.

One of them is how to acknowledge and discuss group differences without resorting to stereotypes. One of the nation’s most prominent diversity consultants, for example, has written a whole book about the differences between groups. In it, one learns that “personal style is important in the way African Americans talk, walk, dress, work—in every aspect of life”; that Asian Americans value modesty and humility; and that “Latin Americans highly value their emo-

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sionals. As of this writing, only two Fortune 500 companies are run by women; only four are led by members of an ethnic minority group. Fully 18 percent of Fortune 500 companies count no women among the ranks of their corporate officers; 11 percent have no people of color.

That’s the bad news. The good news is that great strides have been made over the past few decades. Since 1960, the percentage of African American workers in managerial or professional positions has increased sixfold. In the past decade alone, the percentage of black managers or professionals has jumped 6 points, from 16 to 22 percent (see figure 3). The

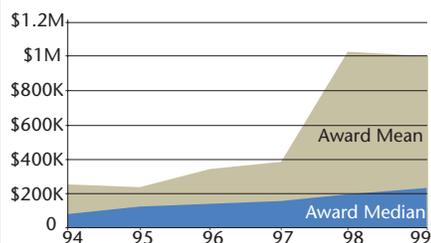
number of black senior executives at Fortune 500 companies has roughly doubled, says Brooks. And 89 percent of Fortune 500 companies now have at least one ethnic minority on board, compared with 56 percent in 1990.

The gains for women are even more impressive. The percentage of women managers and professionals went from 14 to 29 percent over the past decade. Women make up 12.5 percent of corporate officers in Fortune 500 companies, up from 8.7 percent in 1995, and the number of Fortune 500 companies with a woman top earner went from 29 to 83 (see figure 4).¹

It is important to emphasize these improvements, because a constant drone of bad news can suggest that the problems are too far-reaching or intractable to be much affected by anything business executives do. In fact, there has been a great deal of progress—and more progress is likely, because many of the initiatives that began 10 to 20 years ago are just now bearing fruit in the form of senior, top-level managers and executives. 

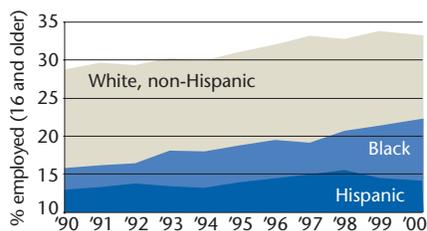
¹ Women of color have not been as fortunate: They make up only 1.3 percent of corporate officers, and only six women of color are top earners. There are insufficient data on other major ethnic/racial groups.

Figure 2. Compensatory awards, means and medians, 1994 to 1999



SOURCE: Jury Verdict Research: Employment Practice Liability, Jury Award Trends and Statistics.

Figure 3. Managerial or professional jobs by race/ethnicity, 1990 to 2000



NOTE: Include executives, administrators, managers.
SOURCE: U.S. Census Bureau, *March Current Population Survey (CPS)*, 1990 to 2000.

Figure 4. Percent of women managers



The Protected Categories

A paradox lies at the heart of many diversity initiatives. Most define diversity in the broadest possible terms—encompassing, to quote from one diversity manual, “all the ways that we are human, including our values, perspectives, personalities, and experiences.” The impulse behind these definitions is noble: to make sure that everyone feels included—even groups, such as white men, who might feel threatened or excluded by diversity initiatives. In practical terms, however, several elements of personal identity usually come to the fore in diversity initiatives: Race, Ethnicity, Gender, Age, Religion, Disability, and Sexual orientation (REGARDS). That is because these dimensions of a person’s identity remain the most socially significant. It is along these lines that people are most likely to be discriminated against—that is, to be treated unfairly because of some irrelevant group characteristic. And it is along these lines that groups have organized to protest their mistreatment and protect their rights. This section very briefly explores the situation and concerns of each of the major groups.

AFRICAN AMERICANS

African Americans remain America’s most visible minority. Throughout our history, they have been the minority group that defines what it means to be a minority group in America, and their story is ineluctably entwined with the nation’s own struggles to live up to its highest ideals. Until very recently, they were also the largest minority group in terms of population. Their political activism, their achievements in high-profile fields such as entertainment and sports, and their rich cultural legacy give them a visibility that other minority groups are only beginning to approach. (When asked to estimate what percentage of Americans are black, most Americans, black and white, guess in the range of 25–40 percent; in fact, only a little more than 11 percent of Americans are black.)

Less well appreciated is the economic strength of black America. Stereotypes of blacks as poor, criminal, welfare-dependent, lazy, and so on, are not only

wrong, but can lead people to underestimate the extraordinary potential of this group, considered both as a market and as a workforce:

- African Americans have the highest buying power of any minority group, at \$532 billion per year (1998), up 73 percent since 1990.
- Almost 50 percent of African Americans own their own homes.
- African Americans outpace the general population in terms of growth in household income, small business creation, mortgage origination, and higher educational attainment.

Unfortunately, African Americans continue to face substantial hurdles in corporate America. Many feel they are forced to contend with unvoiced attitudes, suspicions, and stereotypes that they are having constantly to overcome. Among these assumptions: that they are “affirmative action hires,” and therefore less deserving than others of their position; that they are less capable or intelligent or hardworking; that at heart they have negative and resentful attitudes. African Americans are also most likely to report feeling the need to suppress aspects of their personalities and identities in order to blend in with the corporate culture. And they report having to work harder simply to be given the same opportunities as others.

LATINOS

News that Latinos had effectively surpassed African Americans as the nation’s largest minority group was the biggest headline to emerge from the 2000 Census. But even before then, Hispanic communities were capturing the attention of marketers, advertisers, and politicians.

The diverse cultures, traditions, and countries of origin of Hispanic Americans virtually guarantee that any summary of their accomplishments will be incomplete. Their historical experiences run from colonization and conquest to immigration and exile. The Hispanic American civil rights movement, led by such inspiring leaders as Cesar Chavez, helped bring Hispanic Americans into the mainstream of American social and political life. With more than 30 million inhabitants of the United States

now self-identifying as Hispanics, they have come to exert a growing influence on the cultural and intellectual life of the nation. This influence extends from the popularity of Latin Beat to the efflorescence of Hispanic literature. It is an influence that will only continue to grow, as more than one-quarter of the U.S. population is expected to be Hispanic by the year 2050. Hispanics represent a burgeoning market as well as a growing labor force. The total purchasing power of the group has more than doubled since 1990, and is now estimated at \$450 billion. More than one million Hispanics report an annual income of more than \$75,000. Younger, on average, than non-Hispanics, they are also the most geographically concentrated, with more than 80 percent residing in just five states: California, Texas, New York, Florida, and Michigan. Hispanics face a distinct set of problems. They are, proportionately, the least well-represented of the major ethnic and racial groups among the managerial and professional elite. Indeed, only 1 percent of executives at corporations having more than 100 workers are Hispanic. This statistic partly reflects language and educational barriers. Approximately half of all school-age Hispanics are obtaining high school diplomas, compared with nearly 90 percent of blacks and whites. But, say advocates, the disparity also reflects ongoing stereotypes of Hispanics as macho, temperamental, and low-skilled. In addition, some evidence suggests that Latinos have not been given the sustained attention that many firms have recently paid to African Americans, and that mechanisms for recruiting Hispanics (for example, college job fairs) are not as developed as they could be.

ASIAN PACIFIC AMERICANS

Although they are the nation’s fastest growing population group, Asian Pacific Americans are often overlooked. They are the most diverse ethnic/racial group, exceeding even Hispanic Americans, since they encompass Japanese, Indians, Chinese, Korean, Pacific Islander, Filipino, Vietnamese, and other nationalities, each with their own language and a complex and often contentious history of interaction. They range from pre-literate Hmong

refugees, to highly skilled immigrant Indian software designers, to seventh- and eighth-generation Japanese American World War II veterans. Considered as a group, Asian Americans have done well: the average household income is \$6,000 higher than that of Caucasians, and \$21,000 higher than that of African Americans. They also enjoy the highest educational level of any racial/ethnic group in the United States. Thirty-eight percent hold bachelor's degrees versus 22 percent of non-Hispanic whites, 11 percent of African Americans, and 10 percent of Hispanics. High levels of entrepreneurial activity have also boosted Asian American incomes. According to the Small Business Administration, 56 percent, or \$275 billion, of all minority business sales come from Asian Americans, compared with \$184 billion from Hispanics and \$59 billion from blacks.

However, these statistics can mask gross disparities among different Asian Pacific American communities and contribute to the stereotype of Asians as a "model minority," whose hard work, intelligence, and success rebut allegations that discrimination and prejudice remain problems in this country. On the contrary, many Asian Pacific Americans report having experienced various types of discrimination. For example, they are often mistaken for non-citizens and asked where they learned such good English. They are viewed as technically competent, but lacking in interpersonal and leadership skills. Many Asian Pacific Americans continue to experience a "glass ceiling," limiting their mobility into the highest ranks of executive and administration positions. And a recent poll of American attitudes and beliefs found that a substantial majority still subscribe to stereotypical judgments about Chinese Americans—for example, that they are "clannish."

AMERICAN INDIANS AND ALASKA NATIVES

American Indians/Alaska Natives are perhaps the most invisible minority due to their relative small size. Comparatively little data is collected by mainstream (i.e., non-Native) organizations, so the needs and characteristics of Native populations often go unrecognized, particu-

larly within the business sector. There are, however, 4.5 million American Indians/Alaska Natives in the United States, making up 1.5 percent of the total population. Within that group are widely varied cultural and tribal distinctions.

Because of their unique circumstances and government relationships, Native Americans remain largely clustered and are less integrated with the rest of society than other racial/ethnic minority groups. It is estimated that 40 percent of American Indians live on reservations; the remaining 60 percent live either close to reservations or farther away in rural communities. Relatively few live in urban environments. The majority of the American Indian/Alaska Native population resides in the West (43 percent) and South (31 percent). Among Alaska Natives, the vast majority live in remote rural villages, highly segregated from the state's economic epicenters.

An unfortunate history of domination and removal has left a large number of

Native Americans in a situation of poverty and economic depression, with little opportunity for advancement, particularly on geographically and socially isolated reservations. Native tribes and villages have some of the highest poverty and unemployment rates in the country, at 33 and 43 percent, respectively, for those living on or near reservations. Some reservations, such as Pine Ridge in South Dakota, experience unemployment rates as high as 85 percent and poverty rates at more than 60 percent. The same destitution is visible in Alaska Native villages, where one-fifth of inhabitants live below poverty, and in some, unemployment rates exceed 80 percent.

Despite federal obligations to tribes and villages, there has been little improvement in economic conditions and opportunities over the years. As table 1 indicates, there are proportionately fewer Native-owned firms than are owned by any other group.

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Table 1. Business ownership by race and ethnic group, 1987 and 1992

Race/ethnicity	Number of firms (thousands)		Firms per 1,000 population	
	1987	1992	1987	1992
White, non-Hispanic	12,482	15,298	57	80
African American	424	621	15	20
Hispanic	422	772	21	32
Cuban	61	92	63	84
Mexican	230	379	19	25
Puerto Rican	35	47	11	17
Other Hispanic	104	263	23	47
Asian/Pacific Islander	355	565	57	68
Korean	69	99	102	113
Asian Indian	52	89	76	93
Chinese	90	148	63	79
Vietnamese	26	58	49	78
Japanese	53	62	66	69
Filipino	40	60	33	37
Hawaiian	4	8	22	34
American Indian/Alaska Native	21	41	14	19
Aleut	1	1	54	47
Eskimo	2	2	44	38
American Indian	18	38	10	18

NOTE: Hispanics may be of any race. African American, Asian/Pacific Islander, and American Indian/Alaska Native totals include some Hispanics.

*Authors' estimates based on total population figures derived from interpolation of published figures.

SOURCE: U.S. Census Bureau, *Survey of Minority-Owned Business Enterprises*, various volumes.

tions." These generalizations come perilously close to being stereotypes. Is the alternative, then, to pretend that group differences don't exist? Many diversity experts would say no: It is important, they say, to recognize that groups differ along important lines, and to respect and value those differences. But what precisely do those differences consist of? Here, angels fear to tread, and even most consultants turn mute. So what is the confused manager to do?

The answer, it would seem, is to be alert to the potential for differences without presuming them of any particular individual. Say, for example, you're chairing a meeting discussing prospective job candidates with several colleagues you don't know particularly well. One, a Midwesterner of Norwegian descent, speaks favorably of a certain candidate, but without any real emotional emphasis. There are at least three possible readings: 1) your colleague likes the candidate, but doesn't

The Protected Categories *(continued)*

There is untapped potential among Native populations, an opportunity universally ignored by big businesses and private industry. Corporate attempts to improve diversity should include outreach to and recruitment of Native populations, particularly in saturated regions of the country.

WOMEN

In 1943, the Office of the Secretary of War issued a pamphlet titled "You're Going to Employ Women," which contained the following: "A woman worker is not a man; in many jobs she is a substitute—like plastics instead of metal—she has special characteristics that lend themselves to new and sometimes much superior uses." As the cigarette ad insists, women have come a long way since then. Or have they? Although women are a majority of the population, and some 46 percent of the workforce, they are often grouped as a minority or "protected category," both in law and in practice. The reason? They continue to be subject to various kinds of job-related discrimination, from pay inequities to harassment to "glass ceiling" limits on their career. A few examples:

- A 1995 report found that 95 percent of senior managers in the largest U.S. companies were men.
- According to a 1996 study, less than 3 percent of federal contracts went to women. Male physicians earn \$1,553 per week, compared with \$899 for females; male securities and financial professionals earn \$1,118 per week, compared with \$641 for females.
- Overall, research groups continue to find large discrepancies in

income by gender, with women earning about 74 cents for every dollar men earn.¹

The proportion of women in the labor force has grown steadily over the past five decades, from 29 percent in 1950 to 47 percent in 1997. They are expected to reach parity by 2010. And women's labor participation rate (the percentage of women in the job market) grew from 33 percent in 1950 to 61 percent in 2000. Two-thirds of women with children under the age of 6 now work, up from 47 percent as recently as 1980.

However, employers are only beginning to come to grips with the consequences of these trends. The traditional career path, a "lock-step, full-time march to a one-way, one-time retirement," developed during the heyday of the male breadwinner, remains the norm at most firms. But it is, as one demographer has expressed it, an "antiquated career template." Today most working husbands have working wives, and most children have working mothers. Increasingly, firms will find it advantageous to adapt new and innovative strategies to retain women employees, through flex and part-time schedules "mommy (or parenting)" tracks, family leave, and telecommuting, for example.

OLDER AMERICANS

The graying of the American worker is one of the dominant trends in today's labor force. The oldest of the baby boomers hit 55 in 2001, and as this demographic bulge moves toward the rear of the population snake, it will force employers to rethink many of the

assumptions that they—and society in general—have long operated under. Labor participation rates of the elderly have drifted downward for nearly a century, for example, as Social Security and pensions have provided guaranteed income. But many boomers will want to continue working past the traditional retirement age, either because they enjoy their work or because they need the income. (Few observers expect Social Security and Medicare to remain as generous in the years after 2020 as they are today. The benefits that enabled the past two generations of Americans to retire in relative ease are unlikely to persist, say experts, because the proportion of working to elderly adults will shift dramatically over the coming decades, from about four-to-one in 1995 to about two-to-one in 2030.) Employers will have to reconsider retirement planning and benefit programs. They will also have to figure out how to make room for middle-aged subordinates who find their opportunities for advancement blocked by the continuing presence of senior personnel.

PEOPLE WITH DISABILITIES

There are as many as 54 million Americans with disabilities, including some 17 million who are of working age. Of these, some 32 percent, or 5.8 million, are currently employed. Fully 56 percent of those who say they are able to work are currently working, up from 46 percent in 1986. And 72 percent of those who aren't employed say they would prefer to be working. Four trends are likely to increase the number of disabled Americans in the workforce:

- First, in part because of the aging of

care enough to make a big deal of it; 2) your colleague likes the candidate, but is naturally taciturn; 3) your colleague likes the candidate, but is culturally conditioned, being from Garrison Keillor country, to reign in displays of enthusiasm. On the basis of what you know so far, you probably can't tell how much consideration to give your colleague's expressed preference. What do you do? Well, you can ask your colleague to elaborate on her point of view; you can, after the meeting, dis-

creetly ask others who know her better how emphatically she tends to express herself; you can ask her to summarize her view in a memo; or you can simply take note of the ambiguity, and continue to observe her in future interactions. The point of being aware of cultural differences is not to mechanically ascribe everything to those differences, but to become more skillful at making the kind of nuanced judgments that are critical to long-term business success.

America, there are ever-larger numbers of people with disabilities.

- Second, new technology—everything from sophisticated speech recognition software to robotically enhanced wheelchairs—is making it possible for many of those with disabilities to lead more productive lives.
- Third, there is a greater public awareness of the potential of this group of employees, in part because of the public education activities of such advocacy groups as the National Organization on Disability and the Department of Labor's Office of Disability Employment Policy.
- Fourth, new laws, such as the Americans with Disabilities Act and the many state variants this 1990 federal law inspired, have given disabled Americans opportunities they may have been denied earlier.²

All of this is good news not only for disabled Americans, but for their employers as well. Because they are genuinely grateful for the opportunity, employees with disabilities in the workplace are more reliable, more dependable, more punctual, and more loyal employees than their non-disabled counterparts, according to the Office of Disability Employment Policy, which collects data and empirical evidence.³ Furthermore, most of the changes necessary to accommodate disabled Americans cost businesses very little. One detailed analysis of a major retail store found that the total cost of all changes amounted to \$45 per accommodated worker. Business is also waking up to the market potential

of this group. Collectively, people with disabilities possess a disposable annual income of more than \$175 billion. Add the incomes of household family members, and that number is more than a trillion dollars. A 1994 study conducted by National Family Opinion, Inc., for the 1996 Paralympic Games showed that people with disabilities are more likely to purchase goods and services from companies that are "disability friendly."

GAYS AND LESBIANS

It is difficult to estimate the economic strength of gays and lesbians, in part because no one really knows what percentage of Americans are actually gay and lesbian. Estimates range from 2 or 3 percent to upwards of 10 percent. Although data suggesting that gays and lesbians have higher incomes than the average American have been widely publicized, gays and lesbians are, in fact, found throughout the spectrum of income distribution: some are poor, a few are rich, and most are in the middle.⁴ There appears to be a distinction, however, between gays and lesbians, with lesbians earning less, despite relatively similar education levels as gay men. Income differences also are evident along color lines.⁵ There is some intriguing evidence that gays and lesbians played a disproportionate role in creating the Internet economy. One recent study found a significant correlation between the size of a city's gay population and the vibrancy of its new economy sector. Increasing numbers of companies are recognizing the advantages of promoting a "gay-friendly" image. Among the strategies companies have used: implementing human resource

policies that recognize domestic partners as spousal equivalents for insurance and pension benefits; developing advertising that features positive images of gays and lesbians; and selling products specifically to the community through gay- and lesbian-focused media. The evidence suggests that these kinds of efforts pay off: A vast majority of gays and lesbians say they prefer brands that recognize and include them, while 87 percent report boycotting companies known to have negative stance toward the population. 

¹ The significance of this statistic is much disputed. It does not take into account the fact that men and women choose different careers, such as police versus elementary school teachers, which may pay differently. Nor does it register the fact that men and women, even within the same career, often choose different trajectories, with women more likely to take several years off at midcareer to bear and raise children. There has been surprisingly little solid research on what the residual differential is when these and other potentially relevant factors are controlled for. However, thoughtful analysts estimate that there probably remains a small but statistically significant gap.

² Recent Supreme Court decisions such as *Chevron v. Echazabal*, 122 S.Ct. 2045 (2002), *US Airways v. Barnett*, 122 S.Ct. 1516 (2002), *Toyota v. Williams*, 122 S.Ct. 681 (2002), and *Barnes, et al. v. Gorman*, 122 S.Ct. 2097 (2002) on ADA will significantly impact the lives of people with disabilities. Joan Durocher, Op Ed, "The Supreme Court and The Americans with Disabilities Act," *National Council on Disability*, July 25, 2002, accessed at www.ncd.gov/newsroom/news/r02-371.html.

³ The President's Committee on the Employment of People with Disabilities was the government agency that collected data for decades and was replaced in FY 2001 by the Office of Disability Employment Policy.

⁴ M.V. Lee Badgett, "Income Inflation: The Myth of Affluence Among Gay, Lesbian, and Bisexual Americans," *Lambda Legal Defense and Education Fund*, Dec. 1, 1998.

⁵ Judith Bradford, Kristen Barrett, and Julie A. Honnold, "The 2000 Census and Same-Sex Households," *National Gay and Lesbian Task Force*, Oct. 9, 2002.

A second conceptual dilemma dividing the diversity movement has to do with the set of problems or issues that are seen as particularly problematic. Because diversity is ultimately about changing how individuals and groups interact, and the terms on which they interact, the endeavor can founder along fundamental questions: What determines human behavior: Psychology? Culture? Institutional structures? What weight should we assign each of these elements, and how do we model their interaction? These are among the perennial questions of social scientists, and it shouldn't be a surprise that diversity consultants don't have any conclusive answers to them.

Unfortunately, rather than recognize this dilemma for what it is, many diversity consultants have tended to hold up a piece of the puzzle and present it as the whole. Thus, some focus on the continuing problem of stereotyping and subconscious prejudice. Others argue that behavior, not opinions, are the proper focus of diversity initiatives. For them, people's thoughts and feelings are their own business; what counts is that they don't behave in a racist or sexist manner on the job. Still others focus on changing the corporate culture. They argue that too much attention to the individual employee pins responsibility on the wrong agent. If a diversity initiative fails, they say, it is usually not because some individual employees have failed, but because the company's rules, procedures, practices, and so on, favor certain groups over others. To bring this circle to a close, those who insist on psychological approaches then criticize the institutionalists for failing to appreciate the many subtle ways that prejudice affects even the most benign and well-intentioned. The resulting cacophony can sound like a proverbial group of blind men describing an elephant—an unusually large and cumbersome elephant, at that.

This essay generally adopts a wide-angle approach, trying to get as much of the elephant into the picture as possible. In the sections that follow, it looks at the cultural and institutional factors that affect intergroup relations and that can—often inadvertently—serve to benefit some groups at the expense of others. It surveys the literature of several disciplines, from social psychology to anthropology to management theory, to sketch out some of the key insights of each into the complex set of forces that influence how we behave toward each other. And it offers its own synthesis of views about how to develop a diversity approach that respects differences without sacrificing the essential unity and discipline that any corporation needs to succeed.

Cultural Divides

Not all diversity-related problems arise out of the prejudices and stereotypes that we may consciously or subconsciously harbor about each other. Consider the case of James and Hiroko, two casual friends at a regional accounting firm, jointly assigned to be team leaders of a task force developing the company's Web site. Their boss hoped the two friends would bring complementary strengths to the project, and the two honestly looked forward to working with each other.

Brash, self-confident, intense, James, a seventh-generation American of Dutch-English descent, had a quick, analytical mind and the ability to energize the people around him. Hiroko, a first-generation Japanese American who had grown up in America as a diplomat's daughter, was quieter, more reflective, with an elegant personal aesthetic that her boss hoped would rub off on the Web site.

Yet it wasn't long before James found himself frustrated by what he viewed as Hiroko's failure to participate in the fast-paced give-and-take of the task force meetings. Again and again, he would discuss matters beforehand with Hiroko and win her approval on critical decisions, only to find that she would fail to support his proposals—or worse, concur with an opposing idea. He couldn't understand why Hiroko consistently sought to waste valuable time in the meetings doing work that could be accomplished more efficiently by individual members of the team working on their own. And he was dismayed that Hiroko refused to honestly confront the problems they were having, despite his best efforts to broach them with her. "I thought Japanese were supposed to be so efficient and team-spirited," he thought, ruefully.

Hiroko, for her part, had imagined that she was used to American directness, but found James remarkably insensitive. She couldn't understand why he was so quick to shoot down ideas that originated from others, or even show them the courtesy of properly considering them. It seemed only common sense to her that the task force would work on the big items collectively—otherwise what was the good of putting the team together? And truth be told, James' aggressive body language and tendency to invade her space made her nervous, though she knew this was just the American way, magnified, perhaps, by James' outsize personality.

In this case, neither James nor Hiroko began with negative emotions or stereotypes of each other—if anything, the stereotypes they might have subconsciously harbored were distinctly positive. The problem lay in the cultural gap between the two, the way each person "read" the other on the basis of assumptions and understandings they had acquired over years of socialization. The sad aspect of this case is that both James and Hiroko knew of the danger of making cultural assumptions and tried to overcome them. James tried to engage Hiroko in a frank discussion of the problems they were encountering; Hiroko knew, and made allowances for, American styles of self-expression and body language. Yet both, in the end, proved unable to overcome their own cultural assumptions and beliefs, and the value-laden judgments that came with them.

The anthropologist Edward Hall, one of the early pioneers of the "culture" concept, famously said that we are "captives of our culture," rarely more conscious of it than a fish is of water. Culture, in this case, means something different from what it means when we say of someone who likes the ballet and opera that she is "very cultured." In the anthropological sense, culture refers to the totality of ways that we understand and interact with our environment and each other—the norms, values, beliefs, understandings, orientations, and so

on, that govern our actions and behaviors.

As the metaphor of the fish in water suggests, our own culture surrounds us yet remains largely invisible. Think, by way of analogy, of a person's accent or language. Usually, we think of *other people* as speaking with an accent. Few of us are aware that we speak with any discernible accent until we are put in the situation of being different from the norm. Even then, we silently wonder why *they* don't speak like *us*.

Culture extends and amplifies this problem. As in the case of our accent or language, the awareness that our normal, habitual, "default" way of doing things is particular, rather than universal, usually only arises when we are faced with someone who does things differently—or when we, ourselves, become aware that we are different. Unlike language, however, it's not always clear what the difference consists of. Most of what constitutes a culture is hidden from us by its very ubiquity. It is not just the words that differ, but the assumptions, beliefs, and values that underlie which words get said and in what context. We know what the Portuguese word for knife is; or at least, we know that Portuguese has a more-or-less exact corresponding word for knife (an assumption we couldn't make, by the way, of some hunter-gatherer tribes in the Amazon jungle). But we don't know, except by long immersion in the culture, what a Brazilian way of doing business is, what norms of reciprocity, timeliness, formality, trust, hospitality, hierarchy, status, and so on, should govern any given situation. All we can be sure of is that they probably differ in important respects from our own.

The problem is that we instinctively expect others to behave more or less as we do. We've been taught—our whole experience in the world has taught us—what to expect, what's normal, fair, or reasonable. We rely on those expectations to make sense of the world and to be able to function credibly within it. When those expectations are foiled, we can become frustrated, angry, or withdrawn. Craig Storti, an ex-Peace Corps volunteer who has written an excellent book (*"The Art of Crossing Cultures"*) about cross-cultural adaptation, says that the key is to become aware of our emotional reactions to cross-cultural differences as they arise.

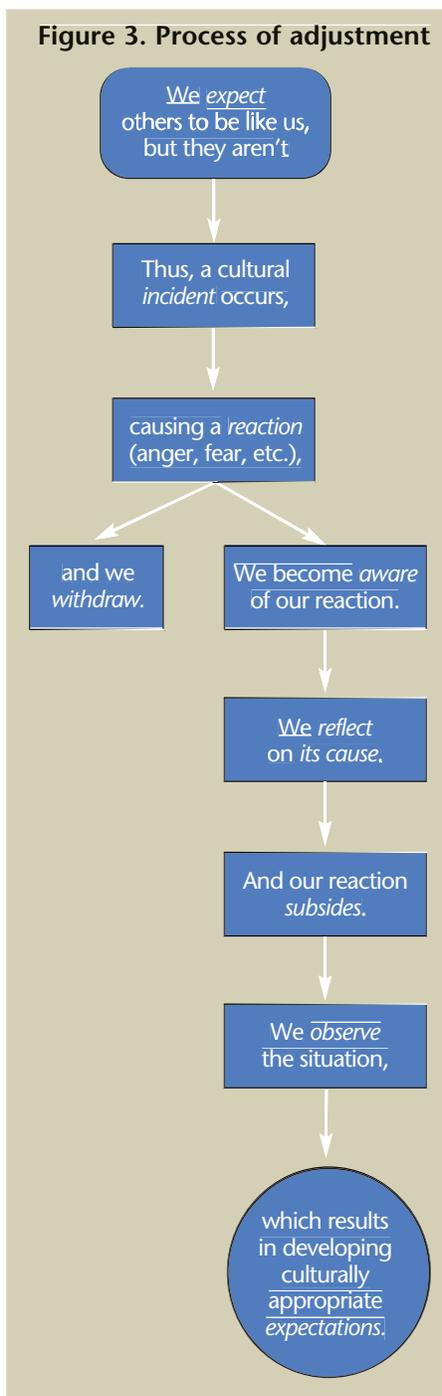
This is no easy process. Most of the time, we simply have emotions. True,

we may seek to control them by tamping them down, or by inhibiting our expression of them, but for the most part, we don't think self-critically about our emotions as we are experiencing them. Becoming aware of what we are feeling, and being able to articulate that feeling with some specificity, is, therefore, something of a learned skill. But it is, Storti argues, one that can have a big payoff (see figure 3).

Storti focuses on culture shock, the cumulative, multiple pressures that come from living abroad. It is a wearying condition, like always being the new kid in a school where they don't speak your language, teach unfamiliar subjects, and serve food you're not used to. But many of the same dynamics are at work whenever individuals of different cultures come together. The potential client from Turkey, the Hispanic co-worker, the Thai subordinate: Increasingly, all of us are being forced to deal with people who come from different cultures.³ And how effectively we perform our job depends in part on how well we can work across cultural divides.

But how, short of a deep immersion in a culture, can we develop the intercultural facility Storti speaks about? Without the daily, in-depth, experience of encountering differences, how can we learn to behave in a culturally sensitive manner? Today's visitor may be from Turkey, but tomorrow's will be from Brazil, and next week's from South Africa. The same variety is true of our employees. We can't be expected to know and understand the cultural background of every person we do business with.

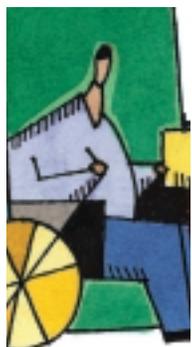
Part of the answer to that question is that no one expects us to. If your business requires you to be in regular contact with a specific group—whether you're a restaurateur or a banker—learning a little about the culture and people you are in contact with will almost certainly repay the effort, and learning a lot about them can be a life-enriching process. But in most cases, it is enough simply to be aware that differences can arise. Monitoring your behavior, and reflecting on the other person's, can help guide you toward an accommodation. You don't need to be an expert; people will appreciate your sensitivity provided you seem to be making a good-faith effort to comprehend them.



Institutional Factors

No question has spawned as much debate in the diversity field as the question of how an organization ought to change if it is to accommodate diversity. In part, this is because the question is highly abstract; even people who might agree about the right course of action in any specific instance can disagree passionately about their rationale for pursuing it. There is, as well, a tendency among diversity experts to cordon off different answers to the question as though each represented a major shift in policy, before articulating their own (patented and improved) approach. In fact, most of the diversity strategies that have been developed probably aren't as distinctive in practice as they are in theory. Still, it is worth outlining some of the more common responses.

The first might be said to be the "Golden Rule" approach. This approach demands of all employees that they treat each other as they, themselves, would wish to be treated. It is probably the default diversity management strategy among small to mid-size firms without formalized human resource func-



The great challenge is to **reconcile complex and sometimes competing notions over fairness and equality.**

tions—in other words, among firms where the policy is largely unarticulated. It understands that discrimination and prejudice are wrong, and its underlying goal is to see to it that the employees get along. What it does not do is recognize that more subtle forms of discrimination exist, or acknowledge that the company itself needs to do things differently to ensure that everyone is given a fair chance to succeed.

The "Right the Wrongs" approach was popular in the 1970s and early 1980s but has since been waning. For many years, it served as the primary basis for affirmative action programs. The emphasis of this approach is on ensuring that women and minorities are granted their "fair share" of opportunities throughout the organization. In practice, many of these programs focus on entry-level positions, with the expectation that the effects will radiate upwards through the organization over time. Part of the reason this approach is waning is that those expectations have not been met to the degree it was hoped.

The "Assimilation" approach takes a more aggressive posture to ensuring the success of minorities and women. It understands that traditionally excluded groups are not as likely to possess the soft skills and competencies of the historically dominant group, and makes proactive efforts to "socialize" them into the organization. An example of such a

policy might be a special orientation session for new recruits of color, or mentoring programs designed to familiarize non-traditional groups with the organization's values and mores.

The "Multicultural" approach, by contrast, is predicated on the notion that minorities and women bring strengths rather than deficiencies to the organization. It seeks ways to capitalize on these strengths. The primary exponent of this approach is R. Roosevelt Thomas, who urges corporations to revisit the assumptions that define the work culture in order to make the organization work more effectively for all its employees. Thomas identifies several of the most common of these assumptions: The notion of the manager as the team captain, whose primary job is to lead by the example of his or her performance, rather than as the coach, whose job it is to elicit the best performance of everyone on the team; the idea that the company is a family, which can, he says, seem paternalistic to many minorities; and the notion that managing diversity is an event rather than a process.

A few years after Thomas' seminal publication in the *Harvard Business Review*, David Thomas (no kin to Roosevelt) and Robin Ely published their own managing-diversity approach in the same publication. For Thomas and Ely, the diversity field has already undergone one significant shift: It has moved from a "discrimination-and-fairness" paradigm to an "access-and-legitimacy" paradigm, which they characterize in terms similar to the ones Thomas uses to describe the movement from affirmative action to multiculturalism. That shift, they say, entails a recognition of the positive benefits of having a diverse workforce. Its *raison d'être* is the need to respond to the nation's increasing heterogeneity through a more representative labor force. Its strength is its emphasis on the business rationale, a motivation the entire company could support. Its weakness, say Thomas and Ely, is that it tends to push minorities into pigeonholes such as human resources or community outreach. There has not been a corresponding effort to integrate them into the company's mainstream, revenue-generating work.

The "learning-and-effectiveness" paradigm that Thomas and Ely propose is based on "rethinking primary tasks and redefining markets, products, strategies, missions, business practices, and even cultures" by incorporating employees' perspectives into the main work of the organization. It promotes equal opportunity and recognizes cultural differences, but it goes beyond the earlier two paradigms in asking of the corporation that it internalize differences among employees so that it learns and grows from them.

For Thomas and Ely, the key to making such an organization viable, to giving employees a feeling that they have a stake in the company, is to change its culture. That cultural transformation takes many forms. It means pushing the organization toward the demands of flexibility, openness, and spontaneity over hierarchy, control, and secrecy. It means focusing on the employee's workplace satisfaction, on supporting both individual initiative and group cohesiveness. It means redefining the role of the loyal subordinate. "By condemning loyalty construed in terms of unques-

tioning servitude and praising people who have the courage to question, blind obedience can be stigmatized," say a team of management professors from Columbia University. And it means emphasizing cooperation and teamwork, consensual problem solving and decision making. All these traits, say experts, are likely to provide the context in which a diversity of opinions, personalities, and types can flourish. Conversely, they are also likely to be the types of organizations that most benefit from diversity.

The next section will examine how to put these ideas into practice.

Best Practices

Overview

Once upon a time, it was going to be so simple. White men, forced by law to change, would set aside the prejudices and stereotypes they had used to exclude other groups for so long. Liberated from their oppression, people of color and women would quickly achieve social and economic parity.

Today that dream can feel like chimera. Though they disagree passionately about the reasons, both the right and left agree that the manifest inequalities that marked social relations during the days of Jim Crow have not faded nearly as much as most people had hoped they would. A vast gulf in perceptions prevails: Most people of color and women believe that racism and sexism are alive and well; most white men believe that incidents of discrimination are the exception, and worry more about false accusations than about eliminating ongoing disparities. Much of the diversity field ultimately springs from this conundrum: We have achieved a formal legal equality but not economic and social equality.

For business leaders, this dilemma plays out in various ways: In decisions over who to hire, promote, or terminate, but also in issues as mundane as who sits with whom at the cafeteria. The great challenge for diversity managers is to reconcile complex and sometimes competing notions over basic values of fairness and equality. It is to balance the fact that social systems, left to their own devices, tend to reproduce themselves along race, class, and gender lines, with interventions that do not create unintended inequalities of their own. It is to create a level playing field that yields results that are not only fair, but seen as fair, by very different constituency groups.

The following section outlines how an organization might square these various circles. It discusses how to go about instituting a diversity initiative, summarizes the principles on which one should be based, and provides a menu of real-world practices that companies have found useful. Diversity is an intrinsically controversial topic. But these policies and practices can help companies forge a consensus on how best to proceed.

A Strategy

With apologies to Tolstoy, most successful diversity programs are alike, but every unsuccessful one is unsuccessful in

its own way. This section focuses on the common, underlying principles of successful diversity efforts—the strategies, rather than the tactics. In later sections, we'll take a look at the nuts-and-bolts, the actual policies and procedures that make for successful diversity initiatives. In this section, the focus is at a higher level of abstraction: Not on what needs to be done, but on what needs to be the case, the preconditions, for any effort to succeed.

Perhaps the single most important ingredient in successful diversity programs is commitment from the top. In fact, it's safe to say that no diversity effort has ever really succeeded without that commitment. Diversity is too amorphous, too easily relegated to a second-tier status, to be driven by subordinates. If diversity is not a leadership priority—and just as importantly, seen as a leadership priority—it can wither on the vine, a succession of half-instituted, uncoordinated measures. That doesn't mean that the CEO must oversee the day-to-day management of the initiative. But it should be clear that the top brass are taking the efforts seriously, and that they expect everyone else in the company to do so as well. As Ted Childs of IBM puts it, "Employees devote their energies to what the management spends its time on, because that's how they know what management truly believes to be important."

Jack, a sales executive with a software design company, remembers what can happen when leaders fail to "walk the talk" on diversity issues. "Diversity was always something of a joke" at his old firm, he says. "Every once in a while, the top brass would issue some memo about how everyone at the firm is valued and how we should respect our differences, and everyone would say, 'Yes, boss,' and then we would go on doing exactly what we were doing beforehand. It bred a certain amount of cynicism—about diversity, but ultimately, about the leadership itself. Most of the rank-and-file engineers felt these were just token pronouncements designed to keep the company in the clear if there was ever any lawsuit."

There is the opposite danger, of course. And that is that the leadership gets too far in front of the rank-and-file, that it is perceived as bullying or threatening. Diversity is already a loaded topic. People bring a great deal of anxiety, fear, and hope to the table once a diversity initiative is announced: "Does this mean that I won't get that promotion because I'm not the right race/sex, etc.?. Does this mean I'll finally be able to sign my partner up for health benefits, and if so, is it time for me to come out of the closet? Does this mean I'm going to be sued/fired/reprimanded for that racy joke I told last week at lunch?" If leaders act too quickly, fail to educate employees, and attempt to diversify by fiat rather than by coaching, the effort can end badly.

"There's nothing worse than management suddenly 'getting religion,'" says Tyler Vance, a diversity consultant who has seen "too many" such efforts backfire. One firm invited him to come in after a particularly disastrous presentation by one of the senior vice presidents. "The VP gave the keynote speech at a corporate retreat on diversity," Vance recalls. "He pulled out all these charts and graphs, which basically

showed that the company, no surprise, was filled with white men. And then he pulled out a new set of charts, demonstrating how the company's racial/gender profile would be expected to change over the next five years. Well, you don't need to be a genius to figure out how all the white men reacted. The whole weekend was spent discussing 'reverse racism' and 'double standards.' It took months to neutralize the bad feelings that developed out of that one speech."

That brings us to the second principle: Bring people on board. Explain diversity in a way that encourages employees to feel they have a stake in its success. That means making sure that they understand three things, says Vance.

- First, that diversity is about inclusiveness; that it's not simply a code word for minority concerns, but embraces a new way of thinking about maximizing the potential of everyone within the organization.
- Second, that diversity is not simply the right thing to do, it's also the smart thing to do. Whether it's fostering intergroup understanding within the corporation, or improving the company's ability to serve an increasingly diverse market or client base, diversity has

increasingly become a business imperative.

- Third, that they will be consulted in the development of the diversity plan. "There is no better way to get people on board than by encouraging them to participate from the outset," says Vance. "Often, employees will have better, more effective ideas about how to proceed than the leadership. Diversity can't be micro-managed; set goals and help your team achieve them."

Once you've secured commitment from the top and begun bringing people on board, the next step is to assess where the organization currently stands. This is commonly done through a diversity audit. There are perils associated with conducting a diversity audit—the main one being that the company may be forced to disclose the results in the event of litigation. (Of course, the same audit cannot be used as a sword against litigant claims without then becoming discoverable.) Furthermore, as Cyrus Mehri, one of the nation's leading employment lawyers points out, the danger only really comes about if the company simply shelves the subsequent report. "When your folks come to you [with a report of

A Best Practices Cheat Sheet

General Principles:

- Engage in an ongoing study and evaluation of the organization's current efforts to promote diversity.
- Eliminate any policies and practices that present ongoing barriers to minorities.
- Decide what the organization's short- and long-term diversity goals should be.
- Develop a coherent plan to reach these goals, and set aside sufficient resources to help bring them about.
- Establish clear policies, communicate them to all employees, and follow them rigorously.
- Conduct periodic reviews of policies and programs to establish how well they are working to promote diversity.
- Make diversity a bottom-line issue and hold managers accountable for achieving results.

Recruitment:

- Define carefully and accurately the job selection criteria, such as the particular skills and abilities required, before the selection process begins.
- Partner with minority associations

and educational institutions, participate in minority career festivals, and advertise in minority media.

- Develop educational outreach programs, such as scholarships, internships, and work/study programs.
- Explore community involvement options that bring the company goodwill and that open lines of communication.
- Work on eliminating barriers to hiring minorities, and communicate to all stakeholders the company's ongoing efforts to expand the candidate pool.
- Make sure that all of those responsible for hiring are fully briefed on the company's policies and legal requirements regarding affirmative action and diversity.

Promotion and Advancement:

- Make an affirmative effort to identify and develop high-potential employees across all lines—racial, gender, disability, and so on.
- Enable employees to expand their potential by making educational and training opportunities widely available.
- Establish broad-based mentoring programs that cut across affinity groups,

and make sure that mentors are given the training they need to successfully nurture junior employees who are women and people of color.

- Provide employees with tools, such as career resource centers and evaluation programs, to help them proactively manage their own careers.
- Keep promotion policies transparent and ensure that opportunities are accessible to all.
- Study and validate promotion and compensation policies and procedures.

Terms and Conditions:

- Develop family-friendly policies and flexible work arrangements that help employees cope with the work/family dilemma.
- Provide anti-sexual harassment and discrimination training to all employees, and make sure they participate.
- Keep informed about emerging technological innovations that help bring people with disabilities into the workforce.
- Adopt a presumption that reasonable accommodations can be found for most issues, ranging from religion to

racial disparities], instead of ignoring them, take them seriously.” That, he says, is what Coca Cola failed to do, both with an internal report and a Department of Labor analysis. As a result, he says, “litigation became the last resort.”

Because the methodological issues are so complex, an outside consulting firm is usually retained to conduct the audit. There is, unfortunately, an unusually wide variety in the quality of diversity-related consulting firms. A good consulting firm will employ a well-credentialed team of social psychologists, sociologists, and lawyers with experience in civil rights, employment law, and organizational behavior. The best will typically draw staff from the major federal enforcement agencies as well as from academia and private firms specializing in diversity-related issues.

A typical diversity audit consists of three elements: A demographic profile of the company by race and gender, cross-checked against income or job rank/category; a survey of employee attitudes and opinions regarding diversity issues and the company’s handling of them; and an analysis of corporate policies, systems, and practices that may have disparate impacts on different groups within the workforce. A

fourth element is sometimes added: An investigation into the company’s efforts to reach traditionally underserved and emerging markets. In this case, the goal is not to conduct a market analysis (which the company is presumably much better equipped to undertake), but to examine the extent to which the company itself has explored the viability of alternate profit centers. To maintain privilege, circulation of the completed audit, with its findings and recommendations, is usually restricted to senior management.

The next step in the process is the development of a strategic plan to promote diversity. The audit answered the question: “Where are we now [when it comes to diversity]?” The strategic plan follows up by addressing the twin questions: “Where do we want to be?” and “How do we get there?” To put it differently, an audit is the diagnosis; a plan is the proposed course of treatment. A strategic diversity plan typically consists of the following elements:

1. A brief, cogent analysis of the business case for diversity as it specifically relates to the company. A financial consulting firm will have different reasons for undertaking a diversity initiative than a baby food

pregnancy to disabilities.

- Conduct a periodic “disability-friendly” audit of the physical work environment.
- Develop a system to monitor compensation and performance appraisal to ensure that they are discrimination-free.

Termination and Downsizing:

- Communicate the reasons for the termination clearly and succinctly.
- Minimize the pain of downsizing by encouraging voluntary departures and early retirement.
- Consider providing grief and anger management counseling immediately after the termination.
- Train managers to follow procedures that minimize corporate liability.
- Provide as much assistance to the terminated employees as possible, including training and education, job placement, and counseling.

Alternative Dispute Resolution:

- Consider implementing any or all of the following: employee hotline, ombudsman program, peer review panel, senior management review

panel, mediation program, and an arbitration program.

- Eschew the temptation to institute a binding arbitration program as a condition of employment.
- Clearly communicate a “no retaliation” program and discipline severely anyone who violates it.

Management Commitment and Accountability:

- Get the CEO on board and keep the CEO on board. No diversity initiative can succeed without strong CEO support.
- Articulate a clear reason why it is necessary for the company to pursue diversity in the 21st century, and communicate that vision to all employees.
- Establish clear goals and mile markers to measure performance.
- Tie management compensation, in part, to success in meeting and exceeding diversity-related goals.
- Create an organization capable of ongoing self-evaluation and self-correction on diversity issues.
- Take steps to increase the diversity of the board of directors, and ensure

that they require proper accounting and self-reporting procedures, and hold management accountable for diversity goals.

Other Practices:

- Conduct diversity and harassment training for all employees, and make training part of the orientation for new hires.
- Support the formation of affinity groups, and consult with them in developing diversity-related policies and projects.
- Make a proactive effort to hire minority- and women-owned contractors whenever possible.
- Promote heritage festivals and diversity-related celebrations.
- Market diversity in-house as a critical component of the company’s ethos.
- Make company policies, practices, and goals, as well as employees’ diversity-related rights and responsibilities, fully known and understood.
- Hire outside diversity consultants with the same care you would hire, for example, safety experts, or financial consultants. ☐



Companies have developed a broad range of **practices designed to promote and celebrate diversity**. They range from aggressive efforts to identify and do business with minority-owned firms, to cultural heritage appreciation days.

manufacturer. Articulating why diversity is “mission critical” helps a company set its priorities. A baby food maker may be particularly intrigued by the market potential of Hispanic and Asian immigrants; a white shoe financial consulting firm may be motivated by political and legal considerations to diversify its executive labor force.

2. Recommendations regarding mechanisms, such as affinity groups, vertical representative committees, or Web-based anonymous suggestion boxes, for involving employees in the diversity initiative and incorporating their concerns and ideas. This enables continuous feedback and response, giving managers the opportunity to adjust and improve on their performance.
3. Proposals for institutionalizing the diversity initiative through the creation (or strengthening) of a diversity-related office at the executive level with well-defined responsibilities and powers. Chief among these powers should be the ability to investigate, assess, measure, and make recommendations directly to the chief operating officer. A second and equally important function of the office should be to act as a clearing house for companywide practices and policies, such as internal marketing, minority internship, training, or mentoring programs, that promote diversity.
4. A list of clearly defined goals, based on existing outcome “gaps” discovered through the audit, setting forth the reasons for their adoption and determining what resources and commitments are necessary to accomplish them. Note that it is not enough simply to set goals; to say, for example, that mid-career female attrition rates should drop by 25 percent over the next five years, or that the market share for a new demographic base should increase by 50 percent. By themselves, these are merely wishes. The plan must clearly enunciate how these goals are to be achieved. The goal of lowering attrition rates of mid-career women might be reached through providing various types of maternal assistance, such as in-house day care facilities, flexible hours, or the creation of part-time “parental” tracks. For items that are not clearly gaps or problems, the goal should be continuous monitoring and improvement.

5. A clearly defined set of diversity metrics. Measuring progress is essential, and although diversity would appear to be a relatively nebulous concept and therefore difficult to measure, there are in fact many ways to proceed. The audit should have provided baseline numbers regarding hiring, performance evaluations, disciplinary actions, complaint ratios, promotion and attrition or retention figures, workplace satisfaction surveys, company demographics, market shares, and so on. Annual reviews of these figures can help firms identify areas of concern and achievement.
6. Finally, a strategic plan should contain accountability metrics. If diversity is a bottom-line issue, then it should be granted bottom-line priority. That means making managers accountable for their success or failure in this area, and rewarding or punishing them accordingly. Superior performance merits promotions, bonuses, awards, and other types of recognition.

Developing a strategic diversity plan is a lengthy, laborious process. But most companies that have been through it find the exercise well worthwhile. “Developing a plan forces a company to think through its priorities and come to grips with the issues raised by diversity,” says consultant Tyler Vance. “The process itself throws up a lot of issues: Who gets consulted, who gets to make the decisions.” Vance cautions against outsourcing too much of this work: “Companies are sometimes tempted to hire an outside consultant to draw up a diversity plan for them. And a competent consultant can come back with an itemized list of 15, or for that matter 150, recommendations. But a really good consultant can do something more important: Help the company internalize the process of change.”

Vance acknowledges the difficulties inherent in this approach. “I think there’s a certain amount of trepidation that diversity initiatives will undermine the leadership, that it’s opening a Pandora’s box for airing resentments or grievances.” That fear is generally overblown, says Vance. But to make sure that the conversation doesn’t veer off track, the key is to be clear about what’s at issue: “The question is not how to become a more fair, or just, or compassionate organization. The question is much more practical: How can we leverage the diversity of our organization to our competitive advantage? How can we make sure that all of our employees’ human capital is being fully utilized?”

Of course, answering that question requires more than just a set of principles. It requires tactics, policies, and procedures. These will be discussed in the next section.

A Collection of Tactics

A good diversity program embodies values that are consistently upheld and regularly reaffirmed. But it is a hollow shell unless it follows through on its commitments with day-to-day practices that produce real-world results. The practices that follow are drawn from actual companies that have been at the forefront of efforts to promote diversity.

For the sake of analytical convenience, they are sorted into six categories: Recruitment and Hiring; Promotion and Career Advancement; Terms and Conditions of Employment; Dispute Resolution; Management Accountability; and other, system-wide practices. But many of the ideas behind them are applicable across the board. Indeed, there is something of a new consensus emerging: The best practices for diversity are those that are not specific to any one group, but that promote opportunities for all. As Maria Johnson, head of diversity for Fannie Mae, points out, "Instead of special programs, the focus should be on helping everyone reach their potential and achieve their dreams—whether it's home ownership, completing college, or simply knowing that there is an emergency day care facility available."

Recruitment and Hiring

Many employers have found that it takes a conscious effort to hire a diverse workforce. If they don't make the effort, they end up with a workforce that is de facto segregated by job description, with whites, Asian Pacific Americans, and a sprinkling of African Americans constituting the professional staff, and blacks and Hispanics among the clerical and blue-collar workers. How and why does this happen? Well, in part, it reflects disparities in professional and academic achievement. There are proportionately fewer Hispanic lawyers than there are Hispanics among the general population. It would be mathematically impossible for every law firm in California to have a number of Hispanic partners on staff proportional to their population in the state.

But there are other reasons as well. Think about how a lot of recruiting takes place, particularly at smaller organizations: So-and-so's nephew is looking for a job, the uncle mentions it to a buddy of his at the bar, the buddy knows about an opening at the plant where he works, and vouches for the kid to his supervisor. The next day, the nephew gets called in for an interview. If we lived in a completely integrated society, this sort of practice wouldn't result in racial or ethnic disparities. But we don't: The nephew, the uncle, and the buddy are all likely to be of the same ethnic group, and a process that did not involve anyone making conscious, intentional efforts to discriminate ended up having a disparate impact.

There are other seemingly neutral practices that can also result in disparate impacts. Just as many whites might not be comfortable applying for a job at, say, *Ebony* magazine, so many people of color may feel uncomfortable or reluctant to apply at, say, a local, family-owned hardware store. Even a well-intentioned employer seeking to diversify its workforce may not know where to advertise or what accommodations can be made to provide for qualified individuals with disabilities.

But increasingly, firms are not content to leave it at that, and are making conscious efforts to increase their potential applicant pool. In fact, more and more companies seem to agree about the necessity of engaging in this kind of affir-

mative action, even as older forms of affirmative action come under increasing judicial scrutiny. "We understand the need to change, and we are," says David Bullard, of Amex International. "At the same time, we don't want to feel compelled to act because of court decisions. Making an effort to increase the diversity of the applicant pool and candidate slate is the best way we've found to balance merit with fairness in our hiring decisions."

Among the efforts now underway to increase the diversity of the applicant pool are internships and work/study programs, community outreach efforts, and aggressive recruiting drives among nontraditional employee groups. At the Bureau of National Affairs (BNA), a publishing company based in Washington, DC, that specializes in legal information services, representatives attend numerous job fairs sponsored by minority associations and colleges. The BNA sponsors its own scholarship program, which provides funds to students at minority universities and gives them the opportunity to work as interns. The BNA has also developed an editorial traineeship which grooms minority staff with potential to become professional journalists and editors.

Promotion and Career Advancement

Many of the barriers that act against hiring minorities also militate against their promotion. In-group favoritism (the old-boy network), the Pygmalion effect, the proportional dearth of qualified candidates, inadequate knowledge about where to advertise openings, all play a role. Many minorities in corporate America feel that they don't have access to the same informal mentoring that helps their white colleagues climb the corporate ladder; that they don't get the honest performance evaluation and searching feedback that can contribute to their growth; and that they don't get the opportunities to take on risky or high-profile assignments that lead to senior positions.

Fannie Mae is a mortgage financial services company based in Washington, DC, and one of the few Fortune 500 companies with an African American CEO. It has developed an extensive mentoring program consisting of three elements: A speaker series, which seeks to expose employees to positive role models within Fannie Mae and beyond; a mentor/protege program, which provides one-on-one coaching between senior and junior managers; and a Buddy program, which is designed to pair new hires with established ones to help familiarize them with the company's workings. Partly as a result, says senior workforce manager Maria Johnson, Fannie Mae is among the nation's leaders in corporate diversity. "If you compare our employment rates to the relevant labor pool, we far exceed those standards at every level. Of our 168 officers, the most senior executives on our staff of 4,800, 23 percent are minority."

Mentoring has proven to be among the most promising of today's best practices. Harvard Business School professor David Thomas, who has conducted the most extensive investigation to date of successful minority executives,

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An Interview with Cyrus Mehri

Having spearheaded discrimination lawsuits against Texaco and Coca Cola that fetched record settlements, Cyrus Mehri, now 40 years old, is one of the nation's leading employment discrimination lawyers. But it's not the sums he's won for his clients that have most impressed observers; rather, it's the broad institutional changes he's helped bring about at these companies. In the Coca Cola case, for example, the changes include the creation of an outside seven-member independent task force mandated to ensure compliance with the settlement and to oversee Coca Cola's diversity efforts. Now at Mehri & Skalet, PLLC, a Washington, DC-based firm, Mehri spoke with CRJ in late October 2001. More information on Mehri is available at the firm's Web site, www.FindJustice.com.

CRJ: Let me begin with a very broad question. Do you see the cases you've litigated so far as exceptions or as symptoms? In other words, how severe a problem do you think racism and discrimination are in corporate America?

Mehri: These aren't problems that are specific to any one company. What corporate America views as its best practices in diversity fall far short of what fairness requires. We're ready to take on any company in the country because we believe the problems are not isolated to Coca Cola or Texaco. Corporate America itself has a problem with systemic discrimination.

CRJ: Expand on what you mean by "systemic discrimination."

Mehri: Let's take it by topic or corporate structure. There's a glass ceiling where African Americans are brought in the door, but not allowed to get up to the higher echelons. Name the best-known companies in America and once you get to the executive committees really running these companies, you'll see there's virtually no diversity there. The second issue is what we've coined the "glass wall" problem, where we see that the few African Americans who have reached the higher echelons are channeled away from the power positions and profit centers. So there's a lot of camouflaging of the problem by laying out EEO-1 report numbers. But if you look behind these reports, you'll see that there's still widespread discrimination. How does this happen? One problem we've seen is a lot of companies either don't have a job-posting system or have a system that's really a farce. So they'll have this elaborate elec-

tronic posting, where a job supposedly gets announced and you can compete for it. But the reality is that whole classes of jobs are exempted from the posting system. Or there are ways to circumvent the posting requirement, by tailoring the job description so narrowly that only the preselected candidate is qualified. Or you'll have a secret system, what's called a high-potential list of fast-track executives, which exists side-by-side with the explicit system. And the people drawing up that list are all white males. So what in fact is happening is the same tap-on-the-shoulder, good-old-boy network that prevents people from competing on their merits as existed before.

Another problem area is in compensation. What tends to happen is that companies give an undue discretion to managers and fail to examine how compensation is being distributed and whether there are any inequities. They take the ostrich approach. High-tech companies distribute stock options that make people millionaires—or at least they used to make people millionaires—and then fail to really look at how their stock options are being distributed. And if they do look, they don't take corrective action.

CRJ: Describe what the legal climate was like when you began doing this work.

Mehri: We started doing this work in 1993, at the start of the Texaco case, when there were few private firms enforcing the law. From the late 1970s to the early 1990s, there was a 90 percent decline in the number of employment class action cases generally. So we faced a situation where many of the plaintiffs had been forced to do their

homework on their own. And they had demonstrated that there were problems. They'd prepare reports showing how African Americans were underrepresented, how they were locked out of the real power centers of the company. But senior management responded by saying things like, "What are you guys, a bunch of black panthers?" They'd take the reports and stick them in the drawer. And that just shut down the dialog, so litigation became a last resort. And that's when we were called in.

CRJ: What kind of impact do racism and discrimination have, both on the individual and on the company, generally?

Mehri: What we've seen is that [black] employees are extremely loyal to their company, extremely proud to be part of it. They may have gone further than any of their family members in previous generations, so they have a sense of "Who am I to complain?" But then they'll see that subordinates are making more money than they are, or they'll see African Americans being shown the door one after another, and the hurt goes far beyond the feeling of being out of pocket. It has a profound and disillusioning impact, a demoralizing impact. Part of the emotional struggle is that the discrimination is so subtle. It takes a long time before people begin to see it as systemic. It's not until we meet with people, until we have 15 or 20 potential class members in the same room, that they realize that what is happening to them is happening to others, and they understand the more sweeping nature of the problem.

The irony is that it's really holding back these companies, because they

are missing out on world-class people. African Americans and other minorities are disproportionately leaving corporate America because they end up feeling like the system is unfair, that they are being locked out. And all they are asking for is an equal chance to compete.

CRJ: Many people would say, "Look, it's the 21st century. The Archie Bunkers and Bull Connors of the world are long gone. How is it that these problems still remain?"

Mehri: I think there are different problems in the white-collar and blue-collar workforce. In the white-collar workforce, what you see is that decisions about compensation and promotion are ostensibly based on the evaluation system, but none of these companies have really gone out and validated these systems to make sure they're fair. They're based on giving undue discretion to managers who set different criteria for each person, and they're not linked back to a careful job analysis based on the actual content of each person's job.

What we've found in company after company is that the evaluation systems may have eight categories, with a lot of business terms, but they basically boil down to handing out "A"s and "B"s and "C"s, like a school report card. And African Americans are overrepresented in the "B"s. They get underrepresented in the "A"s and "C"s. So they give African Americans just enough of a grade to keep people happy or pacified, but not enough of a grade to advance. So there is something terribly wrong with how corporate America is handling its evaluation systems.

CRJ: And what is happening among the blue-collar workforce?

Mehri: There are a couple of issues happening there. One is that there is a dramatic increase in the number of hostile work environments in the manufacturing center.

The other thing we're seeing is more and more unfairness in the way testing procedures are handled in the hourly workforce. So you might have a test that determines how you go from being an hourly employee to being an electrician, and that rating is worth \$3 or \$4 an hour—a tremendous economic difference. And what we're finding is that these tests are antiquated, they're decades old, they're not job related, and they're having a huge disparate impact. Then we're finding instances where there's a kind of closed-door cheating to help the white employees pass. And this battle, over paper-and-pencil tests, is going to become a new old frontier, you might say. A new frontier for us, but a battle that was supposedly fought and won over a generation ago.

CRJ: Say I'm the CEO of a Fortune 500 company, and I come to you and say: "OK, how do I improve, how do I 'Cyrus Mehriproof' my organization?"

Mehri: (laughs.) You know, I've never been asked by companies to come in, but if I were I could help turn them around. Let me give you a list, but in no logical order. First, I'd have a genuine job-posting system that works and goes as far up the food chain as possible. In terms of pay grades, everything but the most senior management positions should be listed. I would not have any secret promotions, any secret high-potential list. And if you are going to have a fast-track list be very sure to communicate it, and what the criteria for selection are. No more closed-door, golf-buddy selection process.

I'd also make sure that the boards of directors of these companies take a more active role. Make sure that they receive reports, and use diversity as a factor for new board member selection. So start from the very top. I'd also link managers' compensation to how well they do in EEO performance. That will go a long way. Companies should have more mentoring and affinity group pro-

grams, to help people develop professionally. And finally, they should do a much better job of gathering data and internal reporting. They need to do a much better job of monitoring their compensation, evaluation, and promotion systems.

CRJ: Tell us a little about the recent study, "Double Standard on Appeal: An Empirical Analysis of Employment Discrimination Cases in the U.S. Courts of Appeals,"¹ you commissioned on how employment discrimination cases fare in the federal appellate courts.

Mehri: This was a study conducted by very distinguished, esteemed scholars from Cornell Law School, and what they found, by looking at the hard data over a 20-year period, was that appellate courts seem to have a double standard for employment discrimination cases. When a plaintiff appeals, he or she has no more than a 5 percent chance of reversing the defendant's victory at trial. But when a defendant appeals a plaintiff's trial victory, the defendant has a 43 percent chance of reversal. Only prison cases fare worse. The gap is so huge it cannot be explained as anything other than bias against the employment plaintiffs.

What makes this so astonishing is that plaintiffs have already overcome all kinds of obstacles to prevail at trial, and these are very fact-intensive cases. So the results of the study suggest that federal courts use this deference to court findings as a shield for winning employers, but toss that shield away when it comes to reviewing employee claims.

Sadly although this report was widely covered in the press, we haven't had an adequate response from the judiciary. In fact, we have yet to receive any kind of thoughtful explanation at all, and you can print that. ☐

¹ Theodore Eisenberg and Stewart Schwab, "Double Standard on Appeal: An Empirical Analysis of Employment Discrimination Cases in the U.S. Courts of Appeals," July 16, 2001, accessed at www.findjustice.com/ms/civil-just/schwab-report.htm.

argues that “people of color who advance the furthest [up the corporate ladder] all share one characteristic—a strong network of mentors and corporate sponsors who nurture their professional development.”

Affinity groups are more controversial. Most large companies accept and tolerate them; a number actively promote them and seek out their input; and a few don’t allow them at all. Those that don’t argue that affinity groups can divide employees and fracture a company’s identity. They worry that affinity groups may become advocates for specific individuals and grievances, and may even lead to adversarial relations with management. Other companies with more positive experiences of affinity groups report that there is little tendency for them to lead to division. And even when groups do become advocates on specific issues, this can lead to a strengthened organization. May Snowden of Kodak says that it is “okay if differences emerge” under employee network groups. “Differences make for a robust culture, for the complexity and chaos that are marks of strength.”



In a nation that is becoming increasingly multiethnic, and in a world that is ever more interconnected, diversity has become an inescapable business reality.

Terms and Conditions

The minimum legal requirement that firms must meet is equal pay for equal work.⁴ As obvious as that principle is today, it was not so obvious even a generation ago, when it was assumed, for example, that men should be paid more because they “had families to raise.” In the meantime, other issues have emerged: The workplace has to develop family-friendly policies, religious and disability accommodations, and anti-sexual harassment and discrimination training and procedures. How well a company cares for its employees above and beyond meeting the legal minimum plays a significant role in employee satisfaction, retention, and productivity

Fannie Mae is another leader in worklife balance issues. It offers tuition reimbursement for employees pursuing college degrees, emergency day care, five days’ annual family leave, on-site physicals, and—reflecting its primary business mission—up to \$16,000 to help employees buy their first home. These programs help all employees, says diversity director Maria Johnson, but particularly those at the lower end of the pay spectrum, by giving them access to the tools

they need to improve their own lives. “We think there’s a compelling productivity case to be made for these programs. They pay for themselves in terms of increased employee productivity, loyalty, and retention.”

IBM has pioneered workforce accommodations for disabled workers, and through its engineering innovations, made it possible for many thousands of people with disabilities, both within the company and without, to lead fuller, more productive lives. From architectural modifications, to electronic bulletin boards for the mobility impaired, to telecommunications devices for the hearing impaired: Many of the devices that have become almost routine forms of accommodation were first developed at IBM.

Alternative Dispute Resolution

Alternative dispute resolution (ADR) refers to those policies and practices that help bring about an early, satisfactory, and fair resolution to complaints regarding employment discrimination. They can be as simple as talking to the supervisor about unwanted attention from a colleague, to peer mediation and mandatory arbitration.⁵

Among the strategies companies have developed, one feature stands out: The creation of multiple and redundant places for voicing and resolving complaints. One company, for example, offers the option of opening a dialogue with the supervisor, the supervisor’s supervisor, or the human resources department, or talking directly with an ombudsman. Another company offers five options: Dialogue with the supervisor or a higher level of management, an employee hotline, a conference with a company representative, mediation, or arbitration.

Other Best Practices

Companies have developed a broad range of practices designed to promote and celebrate diversity. They range from aggressive efforts to identify and do business with minority-owned firms, to cultural heritage appreciation days. Fannie Mae, for example, recognizes and supports an array of affinity groups, from Native American to Gay and Lesbian. It draws on these groups to sponsor an annual, weeklong diversity celebration, and it recognizes, throughout the year, heritage observance months with programs and celebrations that give employees the chance to learn about other cultures, and to share aspects of their own.

United Parcel Service (UPS), the package delivery service, has a Community Internship Program, which places senior managers in communities of need. More than 1,200 senior managers have participated in the program since its inception in 1968, at a cost of \$10,000 per employee. For four weeks, managers work in distant cities, becoming immersed in cultures far from their homes. They work in homeless shelters, mentor inner-city youth, aid immigrant farm workers, build schools, and visit the home-bound. This experience gives executives the opportunity to “walk in another’s shoes,” building sensitivity, cultural understand-

ing, and social responsibility. But the program is not simply charitable, insists Rick Boehler, UPS' director of workforce diversity. It also helps attune UPS executives to the increasingly complex needs of a diverse workforce and consumer base. "They're amazed at how much they learn," says Boehler. "They come back and nearly universally say the experience has made them better managers."

Management Accountability

Undergirding all of these policies and practices is manager commitment and accountability. If managers aren't committed to promoting diversity, and if they are not held accountable for the results, then diversity tends to become an optional, relatively unfocused effort that produces spotty results. Many companies these days are tying executives' compensation packages to how well they perform on diversity-related matters. Often, the total amount is small: 5 percent or so. But the effect is to institutionalize and regularize a process so that diversity isn't neglected.

Fannie Mae is once again a leader in this area, with an Office of Diversity at the vice-presidential level reporting directly to the president and chief operating officer. The office's mission is to help foster a culture that maximizes and supports diversity at all levels, monitor compliance, operate the dispute resolution process, and administer the corporate mentor program. It also works with the human resources department to conduct assessments of the culture, and the training department to develop diversity training programs. Fannie Mae's Diversity Advisory Council is a standing committee of senior management and representatives of employee support groups that maintains communication and ensures that the company remains responsive to the needs of all its employees.

Eastman Kodak's global reach means that diversity is not merely a national issue, but a truly global one. The CEO has committed the company to increase to 40 percent the percentage of women, minorities, and non-U.S. nationals nominated as succession candidates to key positions. It holds its managers responsible for reaching these goals through performance ratings, and evaluates them on their ability to build and maintain a diverse workforce and encourage employees to develop their talents.

The Human Factor

Thus far, the focus has been on the firm, on what companies as institutions can do to maximize the benefits and minimize the risks of diversity. This decision to put the firm first was deliberate: Too many diversity initiatives focus exclusively on the individual. They assume that if the individual manager or executive is made conscious of his deficits, he (and it is usually assumed to be a he) will cease to behave in ways that unfairly limit the potential of minorities and women. The problem with this perspective is not that it is false, but that it is insufficient. No firm can rely simply on changing the hearts and minds of its employees. If it is to

Zero Tolerance: A Word of Caution

It is tempting, in the face of potential lawsuits and the political climate that exists today, to announce a "zero tolerance policy" with regard to discrimination and harassment. Imposing a zero-tolerance policy gives evidence that management takes the issues seriously, and seems to eliminate the possibility that disparities in treatment will arise, since every incident will receive the same (severe) response.

The problem with these policies is twofold. First, a great many incidents are marginally or even questionably offensive, and inflexible responses can be more damaging than helpful. If, for example, someone repeats a slightly off-color joke heard on *Seinfeld* or *Letterman*, says something self-deprecating about his or her group, or simply discusses recent political scandals, some people might take offense. A zero-tolerance policy would preclude anything but a severe reaction, one that can seem disproportionate to the "crime." There is no possibility of tailoring the response to the severity of the incident.

The second problem with zero-tolerance policies arises from the first. If a zero-tolerance policy isn't enforced in a rigorous and literal way, because in some instances it leads to absurd overreactions, the policy as a whole is undermined. A policy, once adopted, must be consistently applied. Anything else leads to greater legal exposure, because it opens the company to charges of picking and choosing when to apply its own stated standard.

A far better approach is to have the company's response match the severity of the offense. If it must be given a label, call it a "Rapid Reaction" policy. This policy should be explicit, transparent, and communicated clearly and frequently to employees. If incidents arise, they should be dealt with expeditiously and fairly, and there should be mechanisms in place to protect the rights of the person making the accusation as well as due process for the person being accused. Such a policy should be based on principles of inclusiveness and sensitivity. But it should also presume that employees possess an inner fortitude and proportionality. Respecting diversity does not entail surrendering one's judgment or good sense.

proactively capitalize on the nation's diversity, it must develop a broad range of policies and practices to help ensure that today's workplace works for everyone.

That is not to say, however, that individuals do not have an important role to play in successfully addressing diversity issues. This section examines some of the knowledge, skills, and abilities that firms should seek to inculcate in their employees to further their success at managing diversity. These skills can be taught through training, orientation, and development programs; they can be emphasized in regular corporate communications; and they can be exemplified by actions that the firm and its leadership

undertake. They are not a substitute for other diversity measures (such as a minority contractor program), but they can be an important complement to them.

Perhaps the first quality firms should seek to develop and reward in their employees regarding diversity is the ability to accept, and to be comfortable around, human differences. It may seem that this is too amorphous a quality to foster, but that is not the case. Many of the day-to-day problems that arise from diversity come about because of the fears, anxieties, and tensions that people feel in dealing with those who are different from themselves. It is these emotions that hinder more relaxed social relations

Laws Governing Workplace Discrimination

There is a patchwork of laws governing workplace discrimination. But at the federal level, three are central: Title VII of the Civil Rights Act of 1964¹ prohibits discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act (ADEA)² prohibits employment discrimination based on the fact that the employee (or job applicant) is 40 years or older; Title I of the Americans with Disabilities Act (ADA)³ prohibits employment discrimination against qualified individuals with a disability, "who, with or without reasonable accommodation, can perform the essential functions of the employment position." (Two other laws, the Equal Pay Act of 1963⁴ and the Pregnancy Discrimination Act of 1978,⁵ are much less frequently invoked.)

The first and third of these cover government and private sector employers having at least 15 employees; the second, at least 20 employees. In addition, most states have laws that duplicate, reinforce, or extend the federal laws. The primary aim of these laws is to ensure that all employment-related decisions (e.g., hiring, promoting, and termination) are made without regard to the employee's (or applicant's) status as a member of one or more of the protected classes.

Illegal differential treatment is typically classified as being either intentional or adverse-impact. Intentional discrimination occurs when the employer's motive is discriminatory. Evidence of motive can be direct: for example, when an applicant

for a truck driving position is told she will not get the job because of her gender. Evidence of discrimination can also be indirect, as when an individual in a protected class is turned down, and subsequently the employer hires some other nonminority applicant with lesser qualifications.

Adverse impact results from policy that has the effect of discriminating against individuals in a protected class even if the employer's reason for the different treatment is not based on protected status—unless the employer can prove that the policy is required by business necessity and is significantly related to the job's requirements. An employer, for example, cannot require that all applicants for a loading dock position be young men. It can require that applicants regularly be able to lift 60 pounds, even if this policy results in disparate treatment of female and elderly applicants. Height and weight standards, fluency in English, arrest and conviction records, and so on, are all examples of neutral criteria that have been found to have an illegal adverse impact by the courts, when employers have proven unable to demonstrate that they are necessary for successfully performing the job.

One notable exception to Title VII and the ADEA is the so-called bona fide occupational qualification (BFOQ). This exception provides for those instances in which it is an objective fact that members of protected classes cannot perform the job in question. For example, a film director is

allowed to cast only females for female leads; a Kosher delicatessen is allowed to hire only Jews to serve as butchers. On the other hand, an employer may not turn an applicant down because of customer preferences; for example, a belief that whites won't buy from a black salesman. (An interesting case now working through the courts involves medical partnerships that preferentially hire female gynecologists, because, they say, more and more women are requesting female doctors.)

In 1977, a notable addition to the antidiscrimination laws occurred when the federal courts found sexual harassment a form of discrimination prohibited under Title VII of the 1964 Civil Rights Act. There are two principal forms that sexual harassment can take. The first is the "quid pro quo," where submission to the sexual advances of a superior is a term of condition of employment. The second is the so-called hostile work environment, where the employer's offensive sexual conduct unreasonably interferes with the victim's job performance. Catalyst, a corporate women's research group, says that 95 percent of harassment cases involve a hostile environment. (It is an urban myth, incidentally, that a single, unfortunate remark can lead to a successful lawsuit. Courts determine the psychological harm, severity, and frequency of the offense, and whether it is physically threatening, before proceeding.)

The Supreme Court has recently elucidated several steps employers can take

among groups, and that can trigger or exacerbate conflict. The best way to alleviate these is to create an environment in which the fact of human difference is acknowledged and esteemed. *E pluribus unum* can be a corporate motto as well as a national one. This ethic needs to be woven into the corporate culture, in everything from the art it places in the entrance to the CEO's communications to staff.

A second trait companies should aim to foster in their employees is an understanding of the nature of prejudice and discrimination. This needs to be done carefully if it is not to backfire. Too often, in the past, white men were simply accused of being prejudiced; if they tried to deny it,

they were doubly accused, first of being prejudiced, and then of trying to cover it up. The result could feel like a Salem witch trial.

There is a better way. Rather than trying to confront and expose the individual's latent prejudices, the company should offer a simple, clear explanation of how prejudice operates and of the subtle ways that it may affect one's judgment. This sort of presentation can be done in a training session or as part of the new hire orientation. It shouldn't focus on accusation; it shouldn't assume the worst of anyone. The goal should be to invite reflection: "How might I be affected by these quite natural and unfor-

to prevent sexual harassment claims.

- First, they can develop and disseminate a written policy against harassment.
- Second, they can institute an effective complaint policy, with a mechanism allowing employees to bypass the supervisors who may be harassing them.
- Third, they can investigate complaints quickly and thoroughly and take appropriate disciplinary action.
- Fourth, they can provide anti-sexual harassment training to their employees, teaching them what sexual harassment is and what to do if they believe that they are being harassed.

The Equal Employment Opportunity Commission (EEOC) is the primary agency tasked with enforcing the nation's employment antidiscrimination laws. For years, it suffered from poor management and inadequate funding, resulting in a large backlog of cases, slow processing time, and poor customer service. Its performance has improved significantly over the past decade; however, there is still considerable progress to be made.

Most discrimination complaints allege one or more of the following kinds of problems:

- Isolated individuals acting without the sanction of the organization in ways that are intentionally or sub-

consciously prejudiced. This might be the case, for example, with a supervisor who denies an Asian American woman a promotion into management because she doesn't seem to him to be "management material."

- Small groups acting intentionally against members of a minority group. This would be the case, for example, if a group of coworkers were harassing a gay colleague with the tacit approval of their immediate supervisor.
- The organization can establish practices that have a negative impact on certain groups, even though the practices are apparently neutral and were not created with any intent to discriminate. The courts tend to view these allegations with ambivalence.
- Finally, and most controversially, the organization can fail to take action to address one or more of these problems, as manifest by continuing disparities in outcome among different groups. This argument is by far the most common in employment law because it assigns responsibility (and thus liability) to the organization rather than to individuals within it; at the same time, it doesn't rest on a finding that the company pursued explicitly discriminatory practices (after all, few organizations today adopt such policies), but maintains

instead that the company failed to take action that it should have taken. It is no exaggeration to say that much of employment law is concerned with the two issues raised by this sort of claim: the attribution and extent of liability for acts of omission, and the conditions under which disparities can be taken as evidence of discrimination.

Probably no other area of employment law provokes quite as much concern as affirmative action. Intended to remedy present effects of past discrimination, it was originally promoted by Presidents Kennedy, Johnson, and Nixon.⁶ However, it has come under increasing criticism for favoring certain groups at the expense of others. Anti-affirmative action measures have passed in California and elsewhere, and the Supreme Court, in several recent decisions, has imposed increasingly greater limitations on affirmative action programs.⁷ 

1 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 (1994).

2 Age Discrimination in Employment Act, 29 U.S.C. § 621 (1994).

3 Americans with Disabilities Act, 42 U.S.C. § 12112(a) (1994).

4 Equal Pay Act of 1963, 29 U.S.C. § 206(d)(1) (1994).

5 Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k) (1994).

6 Stephen Cahn, "Stephen Cahn on the History of Affirmative Action," 1995, accessed at aad.english.ucsb.edu/doccs/Cahn.htm.

7 Michael Fletcher, "Affirmative Action Tops NAACP List," *The Washington Post*, July 14, 1998, p. A3.

tunately universal tendencies?" There is no guarantee, of course, that those most in need of this sort of reflection will actually undertake it, but fostering a corporate culture in which the nature of prejudice and stereotyping are clearly understood can go a long way toward eliminating them.

A related trait that companies can promote is ambiguity tolerance. This psychological term refers to an ability to live with uncertainty; to respond to ambiguous, complex, or multifaceted situations and people without rushing to judgment. It's what ordinary people call having an open mind. People who are close-minded experience ambiguous situations as threatening. Feeling threatened, they respond with hostility toward the person provoking that uncertainty, even if that person hasn't done anything to harm them. That is why we so often say of group hatred that it is "irrational." The person doing the hating isn't responding to any actual threat, but to the perception of a threat induced by his or her own inability to deal with ambiguity. Again, this is not a skill that can be easily taught, in the way, for



The fact that there is a **solid business case for diversity can be a compelling argument** to skeptics who are unimpressed with the moral arguments for diversity.

example, that one might train people in handling a new photocopier machine. But it is a trait that can be esteemed, "talked up," made part of the corporate ethos, and demonstrated by example among the leadership.

One other "emotional skill" that companies can foster is an appreciation for the challenges and difficulties that other groups face, an ability to imaginatively project oneself into the shoes of another. When it is said of whites, or of men, for example, that they "just don't get it," what is being expressed is a frustration that they don't appreciate the work involved in fitting into a culture dissimilar to their own; the stress of being seen as a "representative" rather than as an individual; the effort to make others feel comfortable; the need constantly to be on alert against behaving in ways that might be interpreted stereotypically; and the wearying effects of rarely knowing how much race or gender are actually influencing the situation. Is this store clerk being rude to me because I'm black or because he's unpleasant? (Whites may wonder the same if they receive bad service from blacks, but they visit far fewer black-owned or -managed businesses than blacks

frequent white-owned businesses.) Nor do members of the majority always understand the informal benefits that come from "belonging," such as access to the grapevine or honest performance feedback.

On the other hand, many women and minorities don't understand how difficult that imaginative leap is. Because they experience discrimination daily, they don't understand how the majority can fail to "get it," and they wrongly conclude that this failure is a symptom of some deeper dishonesty or deliberate decision. The fact is, however, that most people understand only what they have experienced; what they haven't experienced isn't emotionally available to them. Here again, a non-threatening, non-judgmental educational approach is the wisest course. Too often, in the past, the approach has been to berate the majority for their failure to "get it"; the impact on their consciousness has been temporary, at best. Far better to educate through personal testimonials, stripped of rancor. Clear, honest accounts of the challenges and occasional pain that are part of the daily experience for the many who are not in the majority can deepen the consciousness of those who are far more than more aggressive approaches.

Close cousin to this emotional understanding is a greater factual knowledge of the realities concerning race and diversity. This knowledge can take three forms: First, a greater knowledge of the history and current realities of groups that are traditionally included under the rubric of diversity. A recent poll found that a large majority of whites believe that whites and blacks enjoy equal incomes, economic opportunities, and educational attainment. This might be said to represent a clear triumph of ignorance over prejudice. It means that most whites don't believe that the majority of blacks are poor, welfare-prone, and so on. On the other hand, it also means that many whites simply don't know the facts about race today. Clearly, a deeper knowledge about the ongoing inequalities that mark relations between groups, and an awareness of the demographic transformation now underway, can lead to a heightened appreciation for the need to proactively address these issues.

Second, knowledge about the risks and benefits of diversity can generate a greater level of commitment to change. The fact that there is a solid business case for diversity can be a compelling argument to skeptics who are unimpressed with the moral arguments for diversity.

Third, anyone who works closely with people of another culture, race, gender, and so on, particularly in a management role, would do well to be attentive to them as individuals. Susan Fiske, the Princeton psychologist, has noted that powerful people pay less attention to subordinates because they don't depend on them, have other things on their mind, and may have a strong need to feel dominant. "Stereotyping and power are mutually reinforcing," says Fiske, "because stereotyping itself exerts control, maintaining and justifying the status quo." Thus, encouraging managers to be attentive to their subordinates as individuals

can diminish a situational tendency to view them as (stereotypical) members of a group or category.

The role of the organization in fostering a climate of respect and mutual consideration has been touched on at several points but needs to be made explicit. As Fiske has written, "an organization can make certain values salient, can encourage the constructive sides of people's self-concepts, can promote norms of fairness, and so on. Conversely, an organization can ignore these issues and let the powerful take the easy way out, not bothering to pay much attention to the powerless." The importance of local or organizational norms is that they encourage or inhibit a climate in which individuals can be harassed or discriminated against. Harassment or discrimination is often a symptom of an organizational rather than an individual failing. What may seem to majority managers to be inappropriate and isolated behavior all too often feels to minority and women employees like the visible tip of an iceberg of discriminatory practices tacitly condoned from the top. That is one more reason why it is not enough to let the organizational "ship" drift on matters related to diversity; it must be consciously steered away from the iceberg.

Aside from valuing and modeling certain habits of the heart and mind, organizations can coach their employees on a host of practical skills that will improve their diversity management. Most of these skills are part and parcel of good management techniques: Knowing how to listen, give feedback, foster constructive conflict, and mediate disputes are not skills that are specific to managing diversity, but they are essential to it. Integrating diversity-related material into executive and management soft-skill training programs is a critical component of an overall diversity program.

If there is a single lesson underlying these prescriptions, it is that managing diversity well is not simply about race or gender or ethnicity; ultimately it is about managing people as if people mattered. Again and again, diversity managers at top companies stress a central message: A company's greatest resource is its people. Managed humanely, given the chance to compete, "the opportunity to be discovered" in Carl Brooks' memorable phrase, they will respond with dedication and loyalty. "The secret is that it's not just about blacks or women," says Brooks. "It's also about the white man who maybe didn't go to the right school, or who doesn't play golf, and who can remain undiscovered forever. If people feel like they have an opportunity, they'll work. If not, they'll go home every night at 5 pm."

Fulfilling the Dream

Does diversity only benefit those who are, in a sense, already "in the game"? Skeptics sometimes argue that corporate diversity won't help the bottom quarter or quintile of people who have never learned the skills that corporate America needs. Companies are, after all, in the business of making money. Those who have been consigned to the

margins of our society generally don't make a particularly lucrative market or attractive labor force.

Al Zollar, the general manager for IBM's Lotus Software division, and as such one of America's leading African American high-tech executives, disagrees. "I go to schools and ask the kids how much they think I make. They tell me \$20,000 or \$25,000 year, because that's what their expectations are. They don't know that you can be an African American and make it." By giving young people an attainable vision of success, Zollar and other nontraditional executives give back to their communities the most precious resource of all: Hope. "Thanks to Martin Luther King and people of my father's age, my generation has the opportunity to succeed in ways that past generations could only dream about. We have an obligation to seize that opportunity, both to redeem the past and to help forge a brighter future." 

References

- 1 If 100 classmates graduate from high school, of whom 90 are white, and 110 freshmen enter, of whom 95 are white, then the number of net entrants to the school is 10. Of these, five are white and five are nonwhite. (In other words, the school has five more whites than it did, and five more nonwhites.) Thus, 50 percent of the net entrants to the school are nonwhite, even though nearly 87 percent (95/110) of the entering class is white. The Hudson Institute's 15 percent figure simply represents a fact about the composition of the growth of the workforce, not about the workforce as a whole.
- 2 Some of the original reports about particularly offensive remarks attributed to Texaco officials turned out to be inaccurate. However, the overall thrust of the comments was certainly ill-advised.
- 3 Even the sexes sometimes seem to belong to different cultures. When the Tom Hanks character in "A League of Their Own" exclaimed "There's no crying in baseball!" he was genuinely shocked that the women on his team were distraught that he was yelling at them. The male ballplayers he had previously coached "understood" that a manager was supposed to yell at his players; they didn't take it personally. The women, on the other hand, interpreted the yelling through the lens of their own experience: If they were yelling at someone the way the Tom Hanks' character was yelling at them, it would be because they were truly upset. Hanks' character, for his part, interpreted crying as a sign of severe emotional distress and weakness. So both sides "overinterpreted" each other's behavior in light of their own understanding of what was natural and proper to the situation.
- 4 Equal Pay Act 29 U.S.C. § 206(d)(1) (1994).
- 5 Mandatory arbitration programs have generated many complaints. The primary one is that the adjudicators are usually drawn from senior leadership in the industry, and so are not balanced by race or gender. In its investigation of the securities industry, the U.S. Commission on Civil Rights found that 97 percent of the judges on the arbitration panel pool were white men. Women and minorities who are considering whether or not to file discrimination grievances must find that statistic rather daunting. For this reason and others, the Equal Employment Opportunity Commission generally discourages mandatory binding arbitration as a condition of employment; increasingly, however, the courts are finding such policies lawful.

Perceived Legitimacy in the Struggle for Civil Rights

Review of *The Psychology of Legitimacy*, edited by John Jost and Brenda Major

Reviewed by Peter Glick and Susan T. Fiske

To the extent that civil rights movements are battles for the hearts and minds of the public, they are conflicts about the perceived legitimacy of our social institutions and laws. Political theorists, including Machiavelli and Marx, have long recognized that perceptions of legitimacy—what people perceive to be correct, proper, or morally acceptable—are critical to the maintenance of social and political hierarchies. Legitimization conspires with psychological, social, political, and economic processes to support established social hierarchies.

The Psychology of Legitimacy, edited by John Jost and Brenda Major, collects varied perspectives on the social-psychological processes, among both the advantaged and the disadvantaged, that shore up this wall around the status quo. Because we contributed a chapter, this article is not intended to be an objective, critical review, but rather to highlight the broader implications of theories and research presented in the book. (The researchers mentioned below are either contributors to the book or cited in it.) We will concentrate here on one of the most disturbing aspects of the tendency to legitimize—how difficult it is to puncture the apparent legitimacy of a discriminatory social system, even among those who bear the burdens of disadvantage and discrimination.

Psychological theories of legitimacy examine what Jim Sidanius and his colleagues have termed “legitimizing myths,” the shared values, beliefs, and ideologies that justify social hierarchy. Legitimizing myths provide Pangloss-like rationalizations as to why, despite obvious inequities, ours is the best of all possible societies. As John Jost and

his colleagues note, such “system-justifying” beliefs (that our society is good and fair) may either complement or conflict with rationalizations each of us uses to preserve esteem for ourselves and for our groups (based on ethnicity, gender, class, etc.). The possible conflicts between these levels of rationalization (self, group, society) differ for the privileged and the disadvantaged.

Legitimization Among the Privileged

Happy are the privileged for whom justifying the legitimacy of society simultaneously fulfills the goals of flattering themselves and their groups. Successful members of dominant social groups can feel good about themselves, the groups to which they belong, and their society by embracing mutually reinforcing beliefs in the legitimacy of each. For example, the system-justifying belief that American society is a perfect meritocracy provides individual and collective self-esteem for affluent whites, confirming that their own and their group’s success is due to talent and effort, not group privilege. By asserting the fairness and legitimacy of society as a whole, these individuals also reinforce positive self-images and group identifications.

That the privileged typically support a discriminatory system surprises no one. Nor is this basic tenet of Marxist thought a new idea. What the psychological perspective adds, however, is the realization that legitimizing beliefs are not solely about maintaining economic advantage, going beyond pure Marxian views, nor are they merely cynical, deliberately Machiavellian attempts to placate the masses. Rationalizations are truly effective only when they deceive oneself as well as others. The most powerful legitimizing ideologies are sincerely held, unreflectively believed, and widely shared.

For the privileged, the most attractive rationalizations not only reinforce their economic and social advantage, but also fulfill the basic psychological

need to view themselves as both competent and morally good. Arguably, these psychological motivations are at least as important to people as the political and material self-interest that Machiavelli and Marx claimed as the driving forces behind ideological convictions. Recognizing psychological motives helps to explain behavior that appears to contradict self-interest, but fulfills the need to feel morally correct. The revolutionary zeal of affluent reformers (Marx and Engels, after all, were members of the bourgeoisie) illustrates how material self-interest can take a backseat to a desire to be morally good. In successful social movements, reformers have provoked (what Habermas termed) a “legitimation crisis” among members of the dominant social group. When most white Americans were led to realize that racial segregation contradicts American democratic ideals—central to the perceived moral goodness of American identity—attitudes changed.

One’s own and one’s group’s perceived morality, however, can all too easily reconcile with justifying hierarchy and discrimination. Mary Jackman suggests that paternalism appeals to the privileged through a mental *jui jitsu* that transforms exploitation into benevolence, and dominance into service. Paternalistic legitimizing myths justified 19th-century colonialism and slavery, by affirming white European racial and cultural superiority while simultaneously defining, and by construing their actions toward “inferior” groups as benevolent rather than exploitative (e.g., governing people who were perceived as incapable of governing themselves and ostensibly introducing culture and true religion to “superstitious savages”).

Although the sensitivity of Americans to race relations has suppressed more overtly paternalistic attitudes toward nonwhites (e.g., speaking of the “white man’s burden” has gone out of fashion), attitudes toward nonwhites still often contain an element of paternalistic pity. Overtly paternalistic attitudes toward people who are older,

physically disabled, mentally disabled, and female have not been as thoroughly challenged. Our own work (with Amy Cuddy and Jun Xu) shows that these groups elicit mixed stereotypes of low competence and high warmth, correlated with their low-status but noncompetitive social niche.

Paternalism is both subjectively benevolent and effectively hostile. On the one hand, it evokes pity, which leads to helping, and it justifies protective legislation for groups perceived to be weak. On the other hand, a fine line separates “protecting” and restricting. Opposition to the Equal Rights Amendment, for example, was framed as protective (e.g., concerns about the draft).

Our research on ambivalent sexism examines the role that “benevolent sexism” plays in legitimizing gender inequality. Benevolent sexism comprises subjectively positive responses to women that nevertheless presume them to be the “weaker sex,” requiring men’s protection and provision. Examples of such beliefs include the ideas that women ought to be set on a pedestal, that women are more morally pure than men, and that women require men’s protection. In a study of 19 nations, we found that where benevolently sexist attitudes were endorsed, so too were hostile sexist beliefs (that is, nations in which benevolent sexism scores were high invariably also showed high hostile sexism scores). Furthermore, both types of sexism (hostile and benevolent) predicted standard U.N. measures of national inequality between women and men (e.g., fewer women in top governmental and business roles).

In the contemporary U.S. political climate, women’s civil rights are attacked more effectively by those who espouse a benevolently protective, rather than an overtly hostile, ideology. Hostile justifications (e.g., that women do not possess leadership ability) are politically incorrect. In contrast, because of its affectionate, protective tone, benevolent sexism is often embraced by women as well as men. And it manages to justify inequality

while also conferring a moral legitimacy on men as chivalrous, self-sacrificing protectors (rather than exploiters) of women. For dominants, paternalistic ideologies avoid legitimization crises by justifying their own superior status (and the social practices that preserve it) while simultaneously asserting their own benevolent moral goodness.

Legitimization Among the Disadvantaged

Members of disadvantaged groups have a more difficult time resolving conflicts between the desires for self-esteem and belief in the fairness of their society. If members of low-status groups view society as just, their disadvantaged position implies unflattering views of themselves and of their group. Social psychologists have discovered a number of ways in which people solve this conundrum. Unfortunately, many of these solutions fail to challenge social injustice.

PSYCHOLOGICAL THEORIES OF LEGITIMACY EXAMINE THE SHARED VALUES, BELIEFS, AND IDEOLOGIES THAT JUSTIFY SOCIAL HIERARCHY.

One psychological obstacle to questioning the legitimacy of the social system is people’s desire to believe in a just—even if cruel—world. The motivation to view the world as controllable is both strong and basic, as Melvin Lerner first pointed out. Believing that people get what they deserve and deserve what they get maintains this sense of control, without which people risk feeling helpless and depressed. Members of disadvantaged groups therefore face a difficult psychological dilemma: believe in the basic fairness of the world and view their poor outcomes as deserved, or recognize that society is unfair and risk feeling helpless. Thus, Jost and his colleagues propose that members of disad-

vantaged groups face a legitimization crisis in which the desire to see their society as fair conflicts with motivations to view themselves and their group in a positive light.

This dilemma can be resolved by viewing society as unjust, but malleable, and then joining collective movements for social change. But the disadvantaged are less likely to band together and work collectively for change when a society allows for even minimal social mobility (e.g., tokenism). Stephen Wright has compared experimental conditions in which individuals are informed that they have been denied membership in a high-status group because members of their participant’s group (based on the participant’s area of study at the university) were either (a) completely restricted or (b) allowed to form only 2 percent of the high-status group’s membership. Participants were then given several options: take no action; take individual action (aimed at getting into the group without challenging the discriminatory rules); or take collective action (openly challenge the rules as unfair to members of their group). In the completely closed condition (where no “social mobility” was allowed), participants strongly endorsed collective action. But when the high-status group was even slightly permeable (accepting just 2 percent membership from the participant’s group), individualistic action was preferred and collective action became an unpopular choice.

Wright’s results illustrate that collective action is most likely in the face of clear-cut discrimination that completely closes off opportunities for the advancement of specific social groups. Allowing even a token amount of social mobility can diminish collective action; Wright empirically demonstrates how to co-opt the oppressed but talented. Thus, a system that promotes only a few members of disadvantaged groups to tokens in high-status positions can have unfortunate side effects—when the success stories can coexist with continuing disadvantages and a discrimina-

tory system. Questioning the fairness of the society becomes less attractive to members of disadvantaged groups than do individual attempts to get ahead within the system. Furthermore, members of privileged groups can point to the few prominent success stories to bolster their beliefs that the system is fair. Thus, ideologies such as the Protestant work ethic and tokenism not only soothe the consciences of the privileged, but (in a semi-permeable society) also puncture collective resistance by the disadvantaged.

Furthermore, individual members of oppressed groups who are successful tend themselves to buy into justifications of the status quo. Having achieved their success within the system, they have a stake in asserting its fairness—belief in meritocracy confirms that their own success is well deserved. Naomi Ellemers has found that successful women in male-dominated fields tend to distance themselves from other women, viewing themselves as different. Rather than helping other members of their sex, women who have succeeded in typically male domains tend to view other women stereotypically.

What about those who are left behind? The famous Clark and Clark studies in the 1960s, which showed that black African American children preferred to play with white-skinned (not brown-skinned black) dolls, reinforced the then-popular idea that self-hate was the inevitable outcome of discrimination. Newer research, however, shows that the self-esteem of ethnic minorities equals or exceeds that of whites and that black children no longer prefer white dolls. This may, in part, reflect an increase in minority self-esteem over the last 40 years. However, as Brenda Major and Toni Schmader note, as researchers have probed more deeply into minority self-esteem, they have discovered that members of disadvantaged groups are quite adept at often preserving individual and collective self-esteem, but often at the steep price of disengaging from domains in which their group tends to fare poorly.

Unfortunately, for disadvantaged minorities these domains—such as school—may be precisely those that provide the best opportunity for upward mobility.

In contrast to older notions of minority self-hate, current research suggests common ground between the disadvantaged and the advantaged—everyone is motivated to develop a positive, distinctive identity. Being in an advantaged position helps the privileged to base their individual and collective self-esteem on traits (e.g., competence and ambition) and accomplishments (e.g., education and high-status jobs) that consolidate their privilege. In contrast,

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lack of opportunity and discrimination hinder members of disadvantaged groups from priding themselves on the traits and achievements most valued by the dominant society.

Major and Schmader's research has demonstrated that disillusioned African American students devalue the importance of academic feedback—when they suspect it may be racially biased—so that failure at school does not threaten how they feel about themselves. Protecting self-esteem in this manner, however, decreases motivation to do well and promotes alienation from school (e.g., viewing school success as “acting white”). This process is triggered by what Claude Steele has termed “stereotype threat”—the perception among members of stereotyped groups that should they ever perform poorly, others are all too ready to

reduce them to a stereotype, to perceive them (negatively) as a “typical” member of their group. (Anybody can fall prey to stereotype threat in domains where their group is negatively stereotyped, for example, white athletes comparing themselves to black athletes.) Strikingly, stereotype threat endangers every level of schooling for groups stereotyped as academically weak. Even those individuals whose talent and effort gain them admission to elite colleges can fall prey to such anxieties if they perceive the school environment as promoting stereotypical views of their group (as minority students often feel at majority-white colleges). Fortunately, if schools build a sense of trust, they can diminish stereotype threat and performance gaps between students who are negatively academically stereotyped and those who are not.

Conclusion

Legitimization conspires with psychological, social, political, and economic processes to support established social hierarchies. *The Psychology of Legitimacy*, edited by Jost and Major, collects varied perspectives on the social-psychological processes, among both the advantaged and the disadvantaged, that shore up this wall around the status quo. The varied perspectives presented in *The Psychology of Legitimacy* can be usefully applied in many contexts. We are not so much interested in promoting a particular book as the useful ideas it represents. In legal settings, legitimization provides a theory of the prejudiced mind. In politics, legitimization explains change and stagnation. In social services, legitimization provides a window for combating alienation. In diversity consulting, legitimization provides an opportunity for examining shared assumptions that support the status quo. Perhaps knowledge in this case can truly empower.

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The Enigma of the Stigma

Review of *The Anatomy of Racial Inequality* by Glenn C. Loury

Reviewed by Christopher H. Foreman, Jr.

In America's cottage industry of writing on race, a few nonfiction categories predominate: history, biography, personal memoir, journalistic exposé. But most stimulating and useful for raising the level of public discourse are social science-based commentaries that aggressively invite sophisticated general readers to reconsider what they know (or think they know) about the condition and prospects of African Americans. Examples include recent work by sociologist Orlando Patterson, historians Stephan and Abigail Thernstrom, and political scientist Paul Sniderman. Whether one remains optimistic or pessimistic about America's enduring racial problems, we are indeed blessed with a broad spectrum of researchers and thinkers, from Thomas Sowell on the right to Lani Guinier and Christopher Edley on the left, who remain eagerly and productively focused on this important intellectual work.

Economist Glenn Loury offers us a fascinating new addition, this one posing a direct challenge to the Thernstroms' impressively comprehensive and influential 1997 volume *America in Black and White: One Nation, Indivisible*. Once favored by conservatives for his willingness to question racial preferences—he was briefly considered for a political appointment in the Reagan administration—Loury's arguments now place him closer to those "racial liberals" with whom he still has his differences.

While Loury doubtless *feels* strongly about his subject, *The Anatomy of Racial Inequality* is a remarkable (if not in every respect fully persuasive) effort to *reason* rigorously. The presentation, though accessible to the general reader, is crafted to pass muster with professional peers, who want to know not what Loury feels but what he can

demonstrate. This concise volume, based on a series of lectures delivered at Harvard, is not easily sampled, skimmed, or summarized. It is nevertheless well worth the effort it demands. The reader will find no new data but rather "a novel conceptual framework for assimilating the evidence at hand." The argumentative style is partly deductive and frequently interdisciplinary, though strongly anchored (especially near the opening) in the economic analysis that is Loury's intellectual home turf.

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Loury sets forth the core of his argument in three chapters on racial stereotyping, racial stigma, and racial justice. Quite early in the book, Loury begins laying the groundwork for his position that "taking race into account" is not an invidious practice per se. Indeed, doing so turns out to be something of a moral imperative. He comes to this conclusion even though he begins by positing "race" as a construct grounded only in the simple (if universal) need of human beings to organize, cope with, and gather information about the world they find themselves in. But the "body markings" we construe as "race" are of importance to Loury (and to the rest of us) as bearers of "social meaning." These markings, he says, "signify something of import within an historical context."

Loury is interested in the potential for stereotypes to be "reasonable" in the sense that they are "self-confirming." As human beings, we are both burdened by limited information about the world around us and inclined to make generalizations. More particularly, someone having limited informa-

tion about "marked" persons may draw unwarranted inferences about individuals that are grounded in the generalization. Persons about whom inferences have been made may then adjust their actions in ways that confirm the stereotype. Thus a sequence of mutually supportive belief and behavior emerges. By way of example Loury posits an employer who, believing that black trainees are more likely than others to perform poorly, sets a lower tolerance threshold for errors by such trainees. The black trainees, in turn, are more likely than others to read this employer behavior as a disincentive to perform well. "Knowing they are more likely to be fired if they make a few mistakes, an outcome over which they cannot exert full control, more black than other workers may find that exerting high effort during the training period is, on net, a losing proposition for them." They thus behave so as to confirm the expectations held of them.

Loury offers additional examples: black automobile buyers and black students applying to professional schools. These "thought experiments," as Loury presents them, likewise conclude with the buyers and students behaving so as to confirm the expectations held of them. What is most interesting and pernicious here is that this dynamic may be driven entirely by mutual expectations rather than by the underlying capacities of the parties to the relationship.

Some readers may reasonably ask, however, whether the perverse patterns Loury presents are actually telling us everything we need to know. Might even the conscientious "thought experimenter" easily (however unintentionally) rig an experiment? Within the world as Loury posits it, his logic seems impeccable. But what if inconvenient additional facts (such as genuinely lower skill or motivation on the part of his hypothetical trainee) are present, as they might indeed be in a real workplace? In that event, the negative outcome could not reasonably be held to stem entirely from the perverse stereotyping dynamic Loury wants to illumi-

nate. (The notion that low teacher expectations induce low performance is a familiar one in debates about education reform. But is this all we need to know to raise minority test scores?)

This reservation stated, however, Loury's reasoning performs an important social and intellectual service by alerting us to the possibility that some unknown fraction of unwholesome interaction across the racial divide might derive importantly from the kind of perverse expectations logic he lays out. A theory that is not universally applicable is not worthless. Indeed, Loury's argument might prompt useful work on two fronts. Academics might subject Loury's argument to careful scrutiny, including hard empirical research. Meanwhile the rest of us might profitably reconsider the roots of our own behavior regarding persons bearing "body markings" other than our own, especially when that difference is amplified by other disparities in social or organizational standing.

But, if Loury is right, such reconsideration by ordinary people will be unusual, if not exceedingly rare. Explicitly considering the possibility that such a self-confirming feedback mechanism could be unveiled and discredited, Loury believes this a tall order for most persons. Given the deeper realm of "nonrational factors—in particular, the taken for granted meanings that may be unreflectively associated with certain racial markers" in which their cognitive processes are anchored, such detached reflection may be unrealistic to expect.

In theorizing about "the mental processes underlying . . . cognitive acts," economist Loury may be on thin ice. (One anticipates that social psychologists will want to weigh in here.) But it is there that he must go to pursue the next (and perhaps the most challenging) part of his argument, which centers on the notion of racial stigma. While Loury's discussion of stereotyping centers on *information*, stigma is all about *meaning*. Bodily "markings" (or any visible characteristic of any person or thing, for that matter) may become

strongly imbued with a significance and association. "[T]he symbols we call 'race' have through time been infused with social meanings bearing on the identity, the status, and the humanity of those who carry them." If this is so, the obvious charge to the racial reformer is to create new meaning, if such a thing is possible. Loury anticipates an equally obvious objection from, if not the Thernstroms themselves, then surely from readers familiar with their recitation of survey evidence. Isn't the social meaning of race changing (such a reader might ask) as reflected both in the long-term trend data showing increased tolerance of

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blacks by whites and in the proliferation of widely admired persons of color? Loury's insistence that probes of popular "attitudes" cannot capture what he's getting at (i.e., "meaning") is a claim likely to generate some resistance. Empirically minded critics will insist on knowing (and debating) whether one can observe and measure (as distinct from personal attitudes) "an entrenched if inchoate presumption of inferiority, of moral inadequacy, of unfitness for intimacy, of intellectual incapacity, harbored by observing agents when they regard the race-marked subjects." One can see what Loury is getting at here: a reflexive, unquestioned "us" and "them." (I believe I have detected such "cognitions" myself, from time to time, in persons who wouldn't dream of behaving inhospitably, much less abrogating my rights. Yet I am relieved that it is

not my job to assay this terrain convincingly for others.)

Where does all this take us as a policy enterprise? For one thing, we get here a new analytic vocabulary justifying an equal opportunity emphasis, a distinction between *reward bias* (under which "productivity is rewarded differently for members of distinct racial groups") and *development bias* (which makes "opportunity to acquire productivity . . . unequally available to the members of distinct racial groups"). For Loury the former is classic discrimination, and worthy of less emphasis in our racial discourse than the latter, which lies more deeply embedded in a foundation shaped powerfully by stigma. If anti-black reward bias has declined, a crippling development bias lingers that, unfortunately, is anchored strongly in an informal, nongovernmental realm that our political culture places largely off-limits to even determined efforts at social justice policy entrepreneurship. Loury's analysis here calls to mind Patterson's focus on informal social networks as crucial channels for group advancement that are less viable among blacks—a collective disability justifying (for Patterson at least) affirmative action (at least for a limited time).

Loury, by his own account, is adamant that he is not up to "some over-theorized discourse in defense of affirmative action policies." In finding both liberal individualism and his own discipline's analytic emphasis on atomized individuals wanting, Loury has far more on his mind than the battle over diversity in corporations and universities. Rather, he suggests that since race matters as a profound and subtle generator of inequality, so should it be allowed also to matter in the conception and implementation of ameliorative policies. He is less interested in "reaching beyond race" (as Sniderman and his collaborators would have us do) than in facing up to the social freight that racial "markings" force a significant slice of the American population to carry. For Loury the tenacious pursuit of "race-blindness" may ironically make us morally blind as well.

Distinguishing among policy implementation, policy evaluation, and “civic construction” (the domain where “we are building monuments, constructing public narratives, enacting rituals and . . . pursuing policies that have an inescapably expressive as well as directly instrumental face”), Loury argues that the race-blindness of liberal individualism in the first and second realms is both “ahistorical and sociologically naïve.” Only in the last, he believes, “should some notion of race-blindness be elevated to the level of fundamental principle.”

This is, of course, a startling policy stance from a scholar once so welcome in Republican-dominated salons. For those of us who have been reading Loury for a while, his alienation from more “conservative” brands of thinking about race is not news. He repeats the critique he launched in the *Atlantic Monthly* some four years ago against the Thernstroms’ *America in Black and White*. In the mid-1980s, political scientist Donald L. Horowitz coined the phrase “the figment of the pigment” to describe a mistaken belief in race and ethnicity as fundamentally different. The Thernstroms approvingly cite the phrase in describing “the myth that racial groups are sealed compartments, impervious to change.” Loury says that the Thernstroms “blame race-conscious public policies for what they take to be an excess of racial awareness among blacks,” a view he thinks “gets it exactly backward.” For him “it is the historical fact and the specific nature of blacks’ racial otherness that causes affirmative action [for blacks] to be so fiercely contested . . .” (Along the way Loury himself misstates the Thernstroms’ argument. They don’t suggest that African Americans’ belief in the myth is the specific problem but rather that a widespread susceptibility to this belief is.) Loury also categorizes the Thernstroms as “conservatives,” but that has always seemed to me a peculiar label for two old-fashioned Ivy League liberals who happen to take a skeptical stance toward affirmative action and certain delusional varieties

of black nationalism. Indeed *America in Black and White* explicitly attacks, in plain black and white, the conservative reluctance to “acknowledge the ugliness of our racial history and the persistence of racism” only two paragraphs before the Horowitz reference.

On the whole, however, Loury serves us well by directing us toward “the enigma of the stigma.” He brings a keen and subtle mind to bear on a set of issues that sorely needs it. *The Anatomy of Racial Inequality* is thoughtful, provocative, and demanding (in both the intellectual and political sense). It is sure to be at the center of all sophisticated discussions on race for years to come.

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The Future of Immigrant Children, and What it Means for the United States

Review of *Legacies: The Story of the Immigrant Second Generation* and *Ethnicities: Children of Immigrants in America* by Alejandro Portes and Ruben G. Rumbaut

Reviewed by Vivian Louie

In the wake of large-scale immigration to the United States over the last 40 years, immigrants and their children today number 55 million persons, or one out of every five Americans. The incorporation of immigrants and their children has far-reaching implications for our nation. One is the creation of new ethnic groups, concentrated in several states and metropolitan areas. Another has to do with the eventual trajectories of these ethnic groups. A key determinant of these trajectories will be the outcomes of the second-generation immigrant children who were either born in the U.S. or came here at an early enough age to be largely socialized here. How will they fare in the United States? Will they

climb the mobility ladder, fulfilling their parents’ aspirations for them, or will they fall down the ladder, perhaps even faring worse than their immigrant parents?

This is the central question underlying Alejandro Portes and Ruben G. Rumbaut’s exciting new book, *Legacies: The Story of the Immigrant Second Generation*, and the answer, as they persuasively argue, goes beyond matters of immigration. Indeed, the authors argue that the story of the immigrant second generation, specifically, its social and economic adaptation, can lead to two dramatically different national fates, in one case a nation revitalized by the new ethnic mosaic, and in the other, a nation downtrodden by an escalation in its social problems. *Ethnicities*, the companion volume to *Legacies*, speaks to a related question that has been the subject of debate in political and public policy arenas, namely, the role of nationality or ethnicity in different immigrant and second-generation outcomes. In sum, the two volumes provide a detailed rendering of the immigrant second generation, including how ethnicity plays out in immigrant mobility, and in so doing, a possible forecast of our nation’s future.

If we look to the historical record, we see in an earlier wave of immigration to the United States one possible outcome for the new second generation. It is estimated that between 1880 and 1924, 13.5 million south-central-eastern European immigrants landed on American shores. They came largely from peasant, semi-literate backgrounds, had few skills, and their reception in the United States was often virulent discrimination combined with intense xenophobia, as they were compared unfavorably to the northwestern European, Protestant migrants who had come before them. Yet successive generations came to achieve socioeconomic mobility and were eventually incorporated into the nation’s social fabric, giving rise to the classic assimilation paradigm in the field of sociology, one in which mobility and integration into mainstream American

culture (e.g., white, middle-class, and of European, Protestant origins) went hand in hand.

Portes and Rumbaut, however, offer a very different picture of what could happen to the immigrant second generation, one decidedly less optimistic. Some ethnic groups will indeed see their second generation follow the classic assimilation paradigm, and quickly become incorporated into the American mainstream. This trajectory is cause for optimism. Others, though, will see the second generation experience downward assimilation, experiencing the intense poverty and alienation from the mainstream that are commonly associated with the American underclass in response to the severe economic deterioration in many of our nation's cities. If this scenario were to unfold, the urban underclass would not only increase in sheer numbers but also acquire a multiethnic character. This trajectory is cause for pessimism.

In making this assessment, Portes and Rumbaut build on several rich intellectual strands. One is their earlier work, *Immigrant America* (1980), detailing where the new immigrants came from, the resources they brought with them, and the different contexts of reception they faced in the United States. Such contexts include how the government treats the group, its incorporation into the labor market, and whether the group joins an already existing ethnic community. Another is an influential article written by sociologist Herbert Gans, who envisioned that a significant portion of post-1965 second-generation immigrants might not follow the classic assimilation paradigm, but rather would become alienated, jobless, and decline into poverty. Building on this vision, Portes and sociologist Min Zhou argue that the children of post-1965 immigrants are assimilating into *different segments* of society, with divergent outlooks on schooling and socioeconomic outcomes. Two groups are able to achieve upward mobility—those children who assimilate into majority culture, and those children who are able to draw

upon strong ethnic communities and develop strong ethnic attachments along with positive outlooks on schooling. A third group of children who experience discrimination and settle near native-born minority groups in struggling neighborhoods adopt negative outlooks on schooling and assimilate into urban poverty.

This previous work on immigration left us with three important questions that could be traced both to the demographic profile of recent immigrants and to the American economy that is

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receiving them. First is the issue of race. Most of the post-1960 immigrants have been from Latin America, Asia, and the Caribbean, and are nonwhite. What role will the racial hierarchy in the United States play in structuring the outcomes of their second-generation children? A second key development has been the increasing importance of educational credentials in the U.S. labor market. We know from sociologist William Julius Wilson and economist Richard J. Murnane and others that the American economy no longer provides well-paid manufacturing jobs to persons with low levels of education (as was the case during the earlier period of European immigration to the United States). Instead, the second-generation children will be joining an

hour-glass economy sharply divided between well-paid employment for the highly educated and highly skilled, and conversely, low-paid jobs for unskilled workers with low levels of education, with few opportunities in between. Will the second-generation children acquire the necessary education to join the top segment of the economy? The third crucial development has been the emergence of an American urban population living in neighborhoods devastated by the dual effects of industrial restructuring and middle-class flight that have left them largely isolated and devoid of institutional support and social organization. Some immigrants have settled near or in these neighborhoods, where residents try to cope with a frayed economic fabric of scarce job opportunities and poverty, and a social fabric of drugs and violence. The residents are often the descendants of earlier black migrants from the American South, and migrants from Puerto Rico and Mexico, who came to the urban centers in search of better lives for themselves and their children. Will the new second generation find their hopes and opportunities similarly diminished?

Legacies provides a strong empirical basis for exploring these questions. The book draws from the Children of Immigrants Longitudinal Study (CILS) based in Miami and San Diego, two sites that have been gateway cities for the post-1960 immigration to the United States. In Miami, the focus was the children of immigrants from Cuba, Haiti, the Dominican Republic, Jamaica, and other islands in the English-speaking West Indies, Central America, and South America. In San Diego, the focus was the children of immigrants from Mexico, El Salvador, Guatemala, the Philippines, Vietnam, Cambodia, Laos, and East Asia (China, Japan, and Korea).

The CILS student sample included schoolchildren from the ages of 13 to 17, with a mean age of 14, thus allowing the authors to target children who had not yet dropped out of school. The children had to have at least one for-

eign-born parent, and were either born in the United States or had lived in the U.S. for at least five years. Two surveys were administered, the first to a sample of 5,262 students when they were in the eighth and ninth grades, and the second when they were in their last year of high school, or had already left school. Interviews were also conducted with 120 parents in 1992, followed by a survey of 2,442 parents in 1995. The quantitative analyses provide rich explanatory power, balanced by vivid life histories of immigrants and their American-born-and-raised children.

One key finding is that regardless of nationality and socioeconomic background, immigrant parents share high levels of optimism for their children's futures in the United States. Yet despite this optimism, there is a gap between what parents hope for, and how their children are presently faring. On the one hand, parental optimism translates into an achievement drive on the part of their children. For some children, though, there emerges an eventual disjuncture between these high aspirations and actual outcomes. As Portes and Rumbaut tell it, this disjuncture comes from several sources. One is individual characteristics like the kinds of financial and educational resources that immigrant parents themselves have and bring with them, which can shape their children's paths; or whether the immigrant family can provide the stabilizing influence of two parents, as opposed to a single parent.

Portes and Rumbaut further argue that the gap derives from the immigrant group's mode of incorporation, or a set of external conditions that lay within the realm of public policy. How the government receives an immigrant group, for example, can play an important role in shaping the group's outcomes. Portes and Rumbaut point to the example of Nicaraguans in Miami, a group with relatively high levels of education that could have allowed them to climb the American mobility ladder. Unfortunately, their claims for political asylum and assistance have been routinely denied, resulting in an

uncertain legal status that makes it difficult for Nicaraguans to convert their education into an economic toehold. Rather, they must settle for menial jobs that leave them unable to transmit advantages to their children. In a poignant example, a young Nicaraguan daughter, an excellent student, expresses her hopes of attending college. In this, she is supported by her mother, who worked for an insurance company in Nicaragua, and her mother's partner, who had his own farm in their native country. But waiting on tables and delivering pizzas, the jobs her mother and partner have been able to get in the United States, do not pay enough to fund a college tuition, and due to their uncertain legal status, the daughter would not qualify for any kind of financial assistance.

The American social context comes to the fore as another critical external factor. Immigrant parents maintain a dual vision of the United States: a place with abundant opportunities for their children, but also a place where youth gangs, drugs, and lax cultural norms about parenting undermine their attempts to help children take advantage of those opportunities. It is what Portes and Rumbaut term "the Janus-faced nature of American society: unmatched educational and economic opportunities coupled with constant multiple threats to family cohesion and individual survival." The challenge is particularly acute for working-class parents whose abilities to monitor their children are undercut by their lack of financial resources. They cannot move to safer neighborhoods where gangs do not beckon, enroll their children in better and safer schools, and discipline their children in ways that they are most familiar with. A Dominican father speaks of his attempts to discipline his 13-year-old son through physical punishment, as parents might do in his native land, and how his Americanized son responds—with a call to 911, reporting his father for child abuse. In this family, the solution was to send the son back to the Dominican Republic for his schooling and a dose of

family discipline, a tactic the father believes saved his son from gang life.

In the minds of immigrant parents, Americanization brings with it negative connotations that can endanger their children's futures. Indeed, Portes and Rumbaut find that immigrant children who have been in the United States longer have higher reading scores (indicating their growing facility with the English language) but lower grade point averages. With the passage of time, the immigrant drive for academic achievement begins to wane as acculturation sets in.

There is also the crucial matter of race. While the educational and financial resources that immigrants bring with them matter, race plays a key role in how immigrants can capitalize on those resources in the United States, and thus, the extent to which they can pass on advantages to their children. Given that they are either born in the United States or have grown up here, second-generation immigrant children confront an additional set of issues centered on race, namely how they self-identify and how others see them. As they are inserted into the American racial hierarchy, immigrant children begin to see themselves as part of externally constructed racial groupings, and some racialize their national origins in ways that their parents could not even imagine, while others must negotiate immigrant and racial identities that can be at odds with one another.

In one telling example, the daughter of Trinidadian professionals consciously adopted the speech patterns of her African American peers in school in an attempt to fit in. Yet, outside of school, she found herself followed by store clerks and the object of curt interactions with whites on the basis of her race. In an attempt to get better treatment, she learns to telegraph her Trinidadian or West Indian identity by trying to reclaim the "island accent" of her parents' homeland.

Here, the historical record provides another interesting comparison. The earlier wave of south-central-eastern European immigrants was classified as

being of different racial stock (and harshly discriminated against as a result). Looking back, we may find this difficult to envision since their descendants have long gained acceptance as whites, and in fact, lay claim to an optional ethnicity. We know from the work of sociologist Mary Waters, for example, that a third-generation Italian American largely gets to choose whether to be identified as Italian; it is not an identity imposed on that person by others. It is unclear, however, whether this new second generation of West Indians, Dominicans, Mexicans, and Vietnamese, and their children will have such flexibility, or whether they will continue to have racialized ethnic identities imposed on them by others, and occupy a lower rung in the nation's racial hierarchy.

In *Ethnicities*, Portes and Rumbaut move to consider another important question that has fuelled much of the immigration debate, that is, the role of nationality and ethnicity in shaping different outcomes among immigrant groups. As they point out, analyses of CILS data consistently point to nationality or ethnicity "as a strong or significant predictor of virtually every adaptation outcome." The important question is why. Political conservatives certainly have provided one answer, long touting the extraordinary success of Asian groups (as compared with Latinos, for example), and West Indians (as compared with African Americans). According to this line of thought, which finds some support in the American public, superior cultural resources are the key reason why some immigrant groups are able to fare better than others.

The scholars assembled to analyze the CILS dataset and draw upon their own expertise, however, draw a very different kind of conclusion. In fact, individual resources recede in importance, in comparison to how social structures *incorporate* the immigrants. The story is not of individual ambition, or even skills, but one of "constraints and opportunities" created by these social structures. Portes and Rumbaut

persuasively argue that this dynamic plays out differently among the various nationalities, "forging distinct but undeniably American personalities and outlooks." Portes and Rumbaut cull from these analyses to detail three possible paths of assimilation that highlight how a group's interaction with social structures has a decisive impact on its outcomes.

In one scenario, immigrant groups arriving with high levels of education and skills meet with a neutral or favorable context of reception. As a result, they are able to parlay their advantage in the economy, join the middle class, and provide their children with the

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benefits that come with this status. Filipinos would be one example of this type of assimilation. In the second scenario, the key is a context of reception that allows for the development of ethnic communities with strong economic opportunities. Two groups that came to the United States as refugees, the first wave of Cuban exiles to Miami and the Vietnamese, would be examples of this pathway. The U.S. government provided crucial assistance that allowed for families and communities to be reconstituted, along with strong ethnic networks. Thus, while the immigrant groups may not have high levels of education or skills, they do have access to the opportunity to build small businesses in these ethnic enclaves and capitalize on their ethnic networks to support the education of the second generation.

In the third scenario, immigrant groups with few skills, or in some cases, even the highly skilled, meet with a negative context of reception. For these immigrant groups, there is no chance of obtaining good jobs in the mainstream economy; there is no available government policy of assistance; and there is no pre-existing ethnic community with strong support systems ready to receive them. Rather, these immigrant groups settle near or in already disenfranchised minority communities and experience persistent labor market and social discrimination. Their precarious economic and social position in the United States only heightens the stresses that underlie immigrant adaptation. Mexicans and Haitians experience this type of assimilation, along with Nicaraguans, who tend to have higher levels of professionalization, which they cannot capitalize on because of their uncertain legal status. West Indian immigrants are interesting because they face a similar kind of discrimination, but the effects are mediated, in part, by their skills and high levels of education, English language facility, and attempts to retain their immigrant culture.

These pathways to assimilation for the immigrant generation and their children prove to be a compelling argument for seeing group outcomes as embedded in structural factors at various levels. In effect, Portes and Rumbaut's two volumes present a persuasive and empirically robust argument against the idea that certain groups are culturally positioned to do better than others.

In their policy recommendations, Portes and Rumbaut focus on education and the role of language acquisition. They make the case that immigrant children should learn both English and their parents' native language in school, and in fact, become fluent in both. Such bilingualism will then lead to high academic outcomes, a better relationship with parents, and presumably, mobility. This prescription is very different from what they contend actually occurs in the public

school system, where bilingual education has become synonymous with “temporary instruction in a foreign language for children unable to speak English.” In the authors’ view, the current attempt to quickly mainstream immigrant children plays out to deleterious effects: some children not only lose most of their foreign language facility, but they end up with limited English skills as well. Even those children who become adept at the English language still lose out in a global economy, where speaking several languages has become ever important. Their point on language is well taken, even though the Asian groups in the study appear to be an interesting exception to their theory. The Asians rapidly lose their parental language and yet do extremely well in school, while some of the Latino groups are much more likely to maintain Spanish language facility but do not fare as well in school.

With their educational policy prescriptions, Portes and Rumbaut provide an important window into how to meet the challenges facing immigrant children in the public school system. The stakes are high. As Portes and Rumbaut point out, these immigrant children have a single lifetime to match the educational credentials that the descendants of earlier European immigrants had several generations to acquire. This “fast-forwarding” of the educational trajectory is required for the new second generation to make it in the new American economy.

Immigrant status, however, may only be one layer of the compelling educational issues that demand our attention. Policies developed for immigrant children attending poor, urban schools might also need to address the challenges found among all children attending these schools, both immigrant and native-born groups, particularly minorities. There will likely be some divergence between the two groups in matters of importance, especially when it comes to language issues and socio-cultural adjustment for immigrants. But in other important respects, there is much overlap. After all, both

native-born and immigrant children are attending the same urban schools beset by disinvestment, gangs, and concerns about general safety. If higher education has indeed become the ticket to American mobility, then it is our responsibility to ensure that children have some kind of equitable access to higher education. The question then becomes, how can we improve the opportunity of all children to learn in public schools? For example, we might consider if there is any way to replicate the strong optimism of immigrant children among the children of long-term minority groups. Or does the relationship go only one way, with immigrant children acculturating into a decline in achievement motivation?

And here, the dynamics of race and ethnicity that Portes and Rumbaut elaborate on so gracefully elsewhere need to be taken into account. How do race and ethnicity shape children’s experiences with education, particularly in middle and high school, the time when their performance structures access to higher education? Race, as Portes and Rumbaut and other scholars have shown us, still has a powerful impact on how Americans are treated and viewed. If that is the case, what is the role of teachers’ and peer group perceptions and academic expectations for different racial and ethnic groups, for both immigrant and native-born children, and what effect do these expectations have? It might also be useful to examine if and how schools as social institutions perpetuate or challenge racial, ethnic, and class stratification, with an eye towards school tracking and funding. A look at these types of issues might help us explain why some of the Asians in *Legacies* were faring better than some of the Latinos, despite their different language patterns.

Other researchers have been addressing these areas in ongoing projects that, along with the contributions made by Portes and Rumbaut, will deepen our understanding of this important population. One of these projects is the Longitudinal Immigrant

Student Adaptation Study (LISA) based at the Harvard Graduate School of Education. In this study, Marcelo and Carola Suarez-Orozco are examining how immigrant students and their parents engage with education over a period of five years. The students, who were first contacted when they were between the ages of 9 to 14, are in many ways the younger counterparts to the adolescents who were the core of *Legacies*. The LISA study further extends the line of inquiry by observing how children interact in their schools, communities, and homes, and assessing their language ability and achievement through individually administered instruments. The latter will provide a welcome check on self-reported data on the part of students or parents, as well as data released by the schools.

The Immigrant Second Generation in Metropolitan New York based at the City University of New York Graduate Center is a project that promises to shed light on second-generation adults. Two sociologists, Mary Waters and Philip Kasinitz, and a political scientist, John Mollenkopf, are investigating the second generation’s educational, economic, political, and cultural lives. In a sense, then, the Second Generation project will give us an idea of where the children in *Legacies* may end up. Additional strengths of this study are that it includes native-born groups (e.g., whites, African Americans, and Puerto Ricans) as a comparative frame for the immigrant experience and an ethnographic component that studies the second generation in diverse social settings such as a community college, the church, and a labor union.

There is a tendency in the United States to see immigrants as occupying a separate space, both physically and symbolically. They come from places that seem far away, and in some cases, are literally so. Some arrive in mysterious ways, under the cover of night, or through smugglers preying on their hopes for a better life. Once in the United States, they negotiate a Byzantine bureaucracy for green cards, legal

papers, matters that non-immigrants do not often understand too well. In the public mind, immigrants are here, but they are not of here. While their presence is embodied in the clothes we wear, the fruits and vegetables we eat, and at the other end of the spectrum, the medical care and computer chips to which we have access, they often seem to be invisible. And when they do become visible, they are often framed as a problem that can be managed by laws restricting their entry. What we are left with in *Legacies* is how incomplete that picture is. The story of immigrant children has deep implications for the rest of us. On their shoulders may rest the health of some of our nation's cities, as they become, in terms of their sheer numbers, our economic and political bulwark in future years. The story of the second generation is in a sense, then, our story, and it is up to us what the ending will be.

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Why the Poor Stay Poor

Review of *The Color of Opportunity: Pathways to Family, Welfare, and Work* by Haya Stier and Marta Tienda

Reviewed by Roger Waldinger

The affluent society discovered the other America more than four decades ago. Ever since, the United States has been locked in debate over poverty and its possible causes and cures. For those who have been paying attention, the controversy is not only endless, but never quite seems to change. In the vision lying behind the war on poverty, the problem lay in the conditions that the poor encountered: change their circumstances, through job creation and training, and America's impoverished would seize the chance, moving ahead on their own.

But in an echo of the old distinction between poor of the deserving and undeserving kind, some commentators insisted that the problem was rooted in the behavior and outlook of the poor themselves. Diminishing the penalties associated with poverty would do more harm than good: unless pushed to mend their ways, those who had internalized the "culture of poverty" would be unlikely to change.

Of course, the poverty debate was not just about the poor; it was also implicitly, often explicitly, about race. It was one thing to learn that poverty persisted in the hollows of Appalachia; quite another, it appeared, to be told that poverty afflicted a disproportionate number of African Americans, and even more so, those who lived in and around cities. Needless to say, arguments about the "culture of poverty" took on an entirely different tone when the poor people in question also turned out to be black.

In policy terms, it takes no scorecard to know who's won the debate, as the name of our last major piece of welfare reform—"Personality Responsibility Act"—tells it all. But outside the corridors of Congress, the discussion, albeit in muted terms, burbles on. For the moment, it may all have an academic feel, as the tide that rose during the 1990s eventually lifted many boats. But the ways of the economy often prove fickle: should America slip into a serious recession, then the fortunes of the poor may take a significant turn for a worse—but this time, with much thinner a safety net than before. In that case, the continuing considerations of experts will turn out to be relevant, assuming, of course, that anyone in power cares to ask for their advice.

As it happens, the experts really do have something to say. While ideology hasn't disappeared from the halls of academe, contemporary scholars have taken the pains to learn from their mistakes of their predecessors. They've also moved well beyond earlier, more simplistic formulations of the prob-

lem, understanding that the phenomenon is multidimensional, and its causes complex. Any number of factors increase the risk of falling into poverty: residing in central cities; lacking the educational credentials that employers want; having grown up poor; starting out life without two parents; membership in a group for which some white Americans might have considerable distaste, or, from a different point of view, that might have a preference for idleness over work. But the analytic difficulty derives from the fact that, in reality, these features are usually bundled together; the question is how to unpack the relationship, and then specify how one factor influences the next.

This is the agenda tackled by Stier and Tienda in their ambitious and important new book. To understand poverty, they argue, one needs to identify the routes by which people fall into that state. Events in an individual's life—a failure to finish high school; a teenage pregnancy; forming a family without marriage—make impoverishment a likely fate, at least for some period of time. But these events often occur in a context over which the individual has little control: after all, one doesn't choose one's own parents. Growing up in a poor household or one where there's only one parent increases all of the subsequent risk factors. And one misstep in the early stage of adult life and long-term trouble follows: you don't finish high school, and it's hard to get an adequate, stable job, producing an erratic work record that persistently makes you an unattractive recruit.

Stier and Tienda take this perspective and apply it to a set of data that is uniquely suited to explore their concerns. Poverty seems most intractable, and politically most explosive, in its big-city form. It is in that setting that Stier and Tienda find their most basic raw materials, drawing on William Julius Wilson's *Urban Poverty and Family Life Study*, a survey of 2,490 residents of poor neighborhoods in Chicago. Since poor neighborhoods

house people of varying class backgrounds, that design choice is crucial, ensuring that the survey takes in the comfortably middle class, along with those Chicagoans living in circumstances that are the bleakest of the bleak. Design as well as the choice of place yield another axis of variation, as Chicago represents the emerging shape of American life, containing not just black and white, but sizeable populations originating in Puerto Rico and Mexico as well. To widen the focus and highlight any factors that might make Chicago a special, rather than exemplary case, Stier and Tienda bring in a large-scale, contemporaneous sample of urban residents nationwide. The two surveys provide a neat parallel, as both use current as well as retrospective data, allowing Stier and Tienda to trace the pathways by which earlier events led to the life course that their respondents eventually followed.

Armed with the right raw materials, Stier and Tienda then crunch the numbers. They provide devotees of the quantitative arts with supporting evidence in the form they like, but do so in appendices, allowing graphs and words to do most of the work in the text. And while careful writing about numbers is never an easy task, Stier and Tienda deliver the message in a clear, straightforward, and readily comprehensible way.

Put simply, perhaps simplistically, the story they tell is one in which troubles, once encountered, rarely go away. Start out in a poor, broken family and a parent with little education, and one is at significant risk of not finishing high school by the time one turns 19. The same factors increase the likelihood of having a child out of wedlock, to which one now adds the liability associated with failure to get the high school degree. Likewise for the possibility of recent welfare utilization, where the long hand of the past often leads persons brought up in households with an extensive history of welfare utilization to repeat the pattern as adults. The same set of problems makes it harder to get a job, with employment difficulties

at any one point in time compounded by earlier failures to develop the right work history.

With few exceptions, it's all much harder in Chicago, where deindustrialization has destroyed the job market for the low-skilled and hypersegregation has left black Chicagoans severely isolated from everyone else, to follow the analyses of William Julius Wilson and Douglas Massey. Chicago is just a bad place to get started: as compared with other urban residents, Chicagoans are

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more likely to have dropped out of high school; unlike the pattern nationwide, growing up with one or two parents makes little difference in this regard. Teen parenthood without marriage is also much likelier in Chicago than in other urban places; once again, the local effect of structure in the family of origin proves much weaker, especially for men. And finding a job is tougher in Chicago than elsewhere, where job-holding experience has a weaker payoff than in other big cities, and women who've been out of work have virtually no chance of finding an employer willing to put them on a payroll.

But the politics of poverty, and of poverty research, have been especially polarized by their intersection with the politics of race. For that reason, Stier and Tienda's lessons regarding intergroup differences are sure to garner particular attention: in their study, the effects of ethnic or racial group membership largely disappear once one has controlled for disparities in early life experiences. On only one count do blacks appear clearly different from

whites, even after taking into account background experiences and circumstances. Whether in Chicago or elsewhere, whether men or women, a birth outside marriage was far likelier to occur among African American respondents than among whites. In Chicago, black men and women were also more likely to report recent welfare use than were whites, even after differences in family structure, past and present, or education had been set aside. But as no such disparity emerged in the national sample, or even among a subsample of poor urban women, Stier and Tienda conclude that the Chicago results reveal something distinctive about the Windy City—namely its high level of racial segregation—and not an attribute characteristic of the black population nationwide. And as regards the other outcomes of interest—dropping out of high school and participating in the labor force—Stier and Tienda find that blacks don't differ from whites at all, once the analysis has controlled for earlier life experiences.

All of which is *not* to say that other intergroup differences don't matter. Like other major metros, Chicago's minority population is taking an increasingly Hispanic tilt. The two Latino groups studied by Stier and Tienda—Mexicans and Puerto Ricans—don't look like blacks or whites; nor do they appear identical to one another. Stier and Tienda's picture of the conditions experienced by Puerto Ricans does not look particularly pretty. Accepted as labor migrants a half century ago, the Puerto Ricans have long since worn out whatever little welcome they then received. In Chicago, they fall into trouble, relative to comparable native whites, on several counts—high school completion, out-of-wedlock births, and welfare usage—a pattern that's especially distressing since each source of disadvantage brings on another.

The Mexicans provide a rather different story, at least for now. Stier and Tienda's data show that members of this group are much likelier than whites to drop out of high school—

though as Chicago's Mexicans are a mainly foreign-born population, coming from a country where school usually ends after grade 7, it's probably more accurate to say that they never dropped in. This liability notwithstanding, few other sources of trouble appear: Mexican men and women are no more likely than whites to become parents out of wedlock; by contrast, Mexican women are more likely than whites to become parents through marriage. Furthermore, Mexican men and women are less likely than comparable whites to experience recent use of welfare. That the Mexicans should look so distinctive is not difficult to understand: after all, one doesn't get to *el norte* without kin and friends, already in place and who are prepared to help out. The network also connects Mexicans to more cohesive inner-city neighborhoods, which turn out to be different places than the severely impoverished neighborhoods in which many blacks live. And Stier and Tienda provide enough evidence to keep Pollyanna still: contrasted to comparable whites in poor neighborhoods, the Mexicans are doing OK. But then again, they're not quite comparable, as the Mexicans have such low skills, for which they pay considerable penalty in the low wages they earn.

In the end, of course, no fact can kill a theory—not even as impressive an assemblage as the one that Stier and Tienda have gathered. The politics of poverty are such that ideological commitments make it hard to change minds: I doubt that a reading of this book will lead advocates of the culture of poverty—or is it the culture of blame?—to look at the matter in a different light. But if resistant to persuasion, they should still be able to appreciate this book's many virtues. Linking past and present, as Stier and Tienda have done, is no small feat: surely, even unfriendly critics can agree that poverty is at least *partly* the result of cumulative causation, which is why unraveling the circle, as these authors have done, is the only way to achieve intellectual results. To be sure,

one can anticipate the riposte: isn't cumulative causation just another word for "culture of poverty," with Stier and Tienda telling us that the poor lock themselves into their own fate? But Stier and Tienda's argument involves a contention about pathways and their consequences: though influenced by poverty, it is the pathway chosen that exercises the long-term effect. By contrast, a cultural argument involves something else: a demonstration that the poor view the world through a distinctive lens, and therefore, act differently from others. And any effort to ascribe behavior to the culture of the poor would also have to inquire into the culture of the non-poor—whose views of, and behavior toward, the impoverished are as cultural as anything else, and surely are not without effect.

Some readers may find the style of analysis off-putting, notwithstanding the authors' efforts to write a user-friendly book. The quantitative arts, as applied social science style, will simply not appeal to all tastes. One can already hear those of different methodological persuasions complaining that the book takes a mechanistic approach, treating the "subjects" it analyzes as if they were balls in a billiards game, as opposed to real-live, thinking, feeling people making decisions on their own. Perhaps they're not entirely wrong. But it's never fair to fault the authors for the book they *didn't* write. Like any other, this book needs to be evaluated on its own terms—in which case, there can't be any question about the nature of the accomplishment.

While waiting for controversy to erupt, however, the friendly critic can issue a few quibbles of his own. In general, Stier and Tienda persuade that intergroup differences, in and of themselves, are of little, if any, import. But the terminology is occasionally confusing. It's a bit disconcerting, in a book entitled *The Color of Opportunity*, to learn that "racial differences" are only those concerning blacks and whites; it's also bothersome to do cross-checking when it turns out that the usage is not

quite consistent. There is also the matter of how to interpret the relative importance of intergroup differences. One can't quarrel with Stier and Tienda if one keeps the focus on blacks and whites. But if one asks about the number of domains in which one observes at least one important intergroup difference—controlling for earlier experiences—then the weight of earlier experiences, as such, doesn't seem to be quite so great.

This reader is also not fully comfortable with the way in which Stier and Tienda handled the one clear line of distinction between blacks and whites—namely, the greater likelihood that African American teens will bear a child outside of marriage, as compared with whites. Yes, having a child out of wedlock has a negative effect on a range of outcomes across all groups. But is its impact on African Americans simply due to its greater prevalence—or does the response to out-of-wedlock births take a different form among members of this group as well? And one can't help but note the tone of special pleading that creeps into the discussion, when Stier and Tienda try to explain the stronger racial effects in Chicago as opposed to the national sample.

But these are surely minor complaints, not worthy of distracting attention from this book's many strengths. *The Color of Opportunity* is a skillful demonstration of the best that social science can do, using the latest tools, and applying them to the type of hard-won evidence best suited for the question at hand. Of course, knowledge is no more than that, leaving the problem just as it was when the authors wrote. But one can't get anywhere, if one doesn't know where one's going. For their contribution to understanding America's thus far intractable poverty dilemma, the authors of this outstanding book have both students of poverty, and advocates of change, in their debt. □

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