

# MOVING TOWARD ANTIBIGOTRY

COLLECTED ESSAYS FROM  
THE CENTER FOR ANTIRACIST  
RESEARCH'S ANTIBIGOTRY  
CONVENING

May 2022

# ABOUT THE ANTIBIGOTRY CONVENING REPORT

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The Boston University Center for Antiracist Research's Antibigotry Convening took place in the Fall of 2021 and Winter of 2022. This report includes an introduction and contribution from the Center faculty and staff who facilitated the Convening, as well as contributions from the scholars and advocates who participated in the Convening. For more on the Convening process, please see the introduction to this report. The report is available as a PDF and may be accessed through the Center's website at <https://www.bu.edu/antiracism-center/policy/antibigotry-convening/>.

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# INTRODUCTION

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In the Fall of 2021 and Winter of 2022, the Boston University Center for Antiracist Research (“the Center”) brought together thirty-five scholars and advocates for an Antibigotry Convening (“the Convening”) that examined fifteen identified categories of bigotry:<sup>1</sup> ableism, ageism, anti-Asian/Asian American racism,<sup>2</sup> anti-Black racism and colorism, anti-fat bigotry, anti-Indigenous bigotry,<sup>3</sup> anti-Latinx racism,<sup>4</sup> anti-Pacific Islander bigotry, antisemitism, classism, heterosexism and transphobia, Islamophobia,<sup>5</sup> linguisticism, religious intolerance, and sexism. Together with this group of “Antibigotry Fellows,” we sought to examine bigotry in the United States from multidimensional, intersectional, and interdisciplinary perspectives.

Bigotry is generally discussed in terms of individual attitudes and acts but is less frequently examined through a structural lens. This project focused on the structural aspects of bigotry, including laws, policies, practices, norms, and narratives. We examined ways that these structural aspects of bigotry work together with bigoted ideas about the superiority and inferiority of particular groups to cause and normalize subordination. We also considered connections and intersections between multidimensional categories of bigotry.

This Antibigotry Convening Report includes independently authored contributions from the teams of scholars and advocates who focused on each category of bigotry addressed by this project, as well as a contribution from the Center faculty and staff who facilitated the Convening. The Antibigotry Fellows’ contributions examine structural manifestations of bigotry, potential areas of convergence and divergence among categories, and possible interventions. The Center’s contribution to the report defines bigotry in structural terms, analyzes emergent themes from the Fellows’ contributions, and considers possibilities for moving toward antibigotry.<sup>6</sup>

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<sup>1</sup>As discussed further below, this project represents just one endeavor to examine multidimensional bigotry, and these categories are not exhaustive. We hope to build upon this work and encourage a broader examination of additional categories of bigotry in the future.

<sup>2</sup>This category includes bigotry that occurs in the United States based on a person being or being perceived as Asian American or of Asian descent. We recognize that one manifestation of bigotry is the mischaracterization of Asian American people as foreign. We have included both “Asian” and “Asian American” in the title of this category to include bigotry against people who identify as American, as well as people who do not.

<sup>3</sup>In the context of this project, the category of “anti-Indigenous bigotry” examines bigotry towards peoples who are indigenous to what is now the continental United States, and/or are affiliated with (recognized or unrecognized) tribes. Since tribal affiliations are political designations rather than racial ones, we have titled this category “anti-Indigenous bigotry” rather than “anti-Indigenous racism.” That said, we recognize that anti-Indigenous bigotry is sometimes racialized. Additionally, we have included a separate category for anti-Pacific Islander bigotry to examine the distinct experiences of Indigenous peoples in Oceania.

<sup>4</sup>The term “Latinx” refers to people with roots in Latin America. We use the term “Latinx” to be mindful of the gender binary imposed by the terms “Latino” and “Latina.” We recognize that the term “Latinx” is flawed as it relies on English pronunciation conventions rather than Spanish ones regarding the letter “x.” While alternatives such as “Latine” have arisen to align more closely with Spanish pronunciation, those have not yet been widely adopted.

<sup>5</sup>When we started this project, we initially formed one team to address anti-Middle Eastern/Southwest Asian/North African racism and another to address Islamophobia. Ultimately, these teams determined that their work was overlapping, and decided to combine their efforts into one group addressing Islamophobia and its intersections.

<sup>6</sup>As discussed further below, each contribution represents only the views of its authors.

## The Vision: Why Bigotry, and Why Now?

The Center’s vision for the Antibigotry Convening project is rooted in our acknowledgment that bigotry in all its forms and manifestations serves to consolidate power in a few at the expense of many. Bigotry operates as a unifying force among those who benefit from social inequity, and thus demands a unified response from those seeking equity. Each manifestation of bigotry examined by this project arises in a particular context, but all serve to elevate insiders who have been historically privileged based on factors including race, ethnicity, national origin, color, sex, gender identity, sexual orientation, religion, ability, physicality, linguistic usage, immigration, class, age, and other characteristics.

Only by interrogating the interrelated aims and effects of bigotry can we begin to dismantle it. As Dr. Martin Luther King, Jr. wrote in 1963, while confined in a Birmingham jail cell, “We are caught in an inescapable network of mutuality, tied in a single garment of destiny.”<sup>7</sup> Dr. King was responding to criticism that he and others who traveled to support civil rights demonstrations were “outside agitator[s]” whose actions were “unwise and untimely.” He challenged the idea that any of us can be outsiders to injustice, when “[w]hatever affects one directly, affects all indirectly.” He emphasized “the interrelatedness of all communities and states.” Recognizing our interrelatedness, we seek to confront multiform bigotry and promote equity for all.

Our hope is that this Antibigotry Convening Report will contribute to public understanding of bigotry by focusing particularly on its structural aspects. Through this project, we have endeavored to explore the ideologies that connect individual expressions of animus with structures that perpetuate widespread social inequity and identify potential points of solidarity. In doing so, we hope to contribute to a unified antibigotry concept and movement.

## The Process

### The Teams

The Center identified fifteen categories of bigotry to focus on as part of this project. For each category, we composed a team of Antibigotry Fellows. Recognizing that diverse sources of knowledge are critical to understanding and dismantling bigotry, our aim was to create teams with a combination of scholarship and advocacy experience. We sought to break down artificial barriers that have traditionally existed between academic research and organizing efforts, to strengthen our collective work.

### The Convenings

In the Fall of 2021, the Center facilitated five virtual modules that included a mix of instructional seminars, discussions, and writing workshops. In these modules, we examined: (1) the use of the term bigotry and ways to define structural bigotry; (2) relevant structural frameworks of analysis; (3) the use of narratives, rhetoric, and propaganda to perpetuate bigotry, and strategies for developing a narrative of antibigotry; (4) laws, policies, practices, and institutions that perpetuate bigotry, and potential interventions to promote equity; and (5) strategies for developing antibigotry interventions.

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<sup>7</sup>Martin Luther King, Jr., “Letter from Birmingham City Jail” (Philadelphia: American Friends Service Committee, May 1963).

In January of 2022, we reconvened as a group and the Fellows presented their work regarding their assigned category of bigotry. The goal of these presentations was to help identify connections and intersections between the categories.

### The Conversation Groups

After the modules were complete, each team of Antibigotry Fellows was invited to conduct conversation groups with people who have been directly impacted by that team's assigned category of bigotry.<sup>8</sup> The conversation groups were designed in accordance with focus group analysis, a qualitative research methodology aimed at gaining insight into individual and collective perceptions, experiences, and attitudes.<sup>9</sup> The objective of these conversation groups was not to foster consensus, but to generate critical commentary that would be difficult to obtain in one-on-one interviews. Although the focus group methodology is not typically oriented towards reaching solutions, we recognize that the group participants are experts in their own lived experiences and encouraged discussions about both experiences of bigotry and potential interventions.<sup>10</sup>

The conversation groups were small, semi-structured group interviews that explored open-ended questions about bigotry. The Center provided general guidance and operational support, and the Fellows who participated in this part of the project recruited the participants, contributed to interview protocol design, facilitated the conversations, and incorporated excerpts and ideas from the conversation groups in their report contributions. The teams held one or two conversation groups of between five and fifteen participants, who were recruited through the Fellows' networks and referrals. Fellows were encouraged to consider diversity when recruiting conversation group participants. Although small-scale qualitative research of this kind cannot be fully representative or generalizable, the conversation groups provided a space for engaging additional perspectives and insights about experiences of bigotry and antibigotry interventions, which have helped to shape many aspects of this report.

### The Report Contributions

The Antibigotry Fellows were asked to compose short contributions to this report based on their knowledge and experience, insights from the conversation groups, and a review of relevant literature. They were asked to consider how they would define structural bigotry, how they would define their assigned category of bigotry, how that category of bigotry manifests and intersects with—or diverges from—other categories, and potential interventions.

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<sup>8</sup>Ten teams held a total of sixteen conversation groups. Some teams did not hold conversation groups due to logistical conflicts.

<sup>9</sup>See Barbara Schneider, "Homelessness: Emotion Discourse and the Reproduction of Social Inequality," *Canadian Journal of Communication* 39, no. 2 (2014): 235-48; Shoshana Pollack, "Focus-Group Methodology in Research with Incarcerated Women: Race, Power, and Collective Experience," *Affilia* 18, no. 4 (2003): 461-72; Sue Wilkinson, "Focus group methodology: a review," *International Journal of Social Research Methodology* 1, no. 3 (1998): 181-203.

<sup>10</sup>We are grateful to Antibigotry Fellow Michaé De La Cuadra for sharing insights about conversation groups during one of our modules and encouraging the Antibigotry Fellow teams to incorporate solutions-focused questions in their respective conversation groups.

This report also includes a contribution from the Center faculty and staff who facilitated the Convening. The Center's contribution defines bigotry in structural terms, examines common structural manifestations of bigotry addressed by the Fellows' contributions, and considers how these potential points of solidarity can support a movement towards antibigotry.

## Considerations Regarding This Report

We want to highlight four important considerations as you read this report.

**First, the categories examined by this project represent experiences of bigotry, not identities of people.** In many instances, a person may be subjected to an experience of bigotry based on a perception that has nothing to do with how that person identifies. Moreover, categories of bigotry do not exist in isolation; many intersect with one another. The Antibigotry Fellows addressed particular categories of bigotry to ensure thorough consideration of the many ways that bigotry manifests.

**Second, none of the ideas expressed in one section of this report should be imputed to the authors of any other section.** Contributors to this report, all fighting against bigotry in their own ways, may disagree about some of the concepts, strategies, or recommendations that other contributors have proposed. While we have sought to confront bigotry in unity, we are mindful that “unity does not mean unanimity,” as Audre Lorde stated when reflecting on divisions within the struggle for Black liberation in the 1960s. Indeed, “any future vision which can encompass all of us, by definition, must be complex and expanding, not easy to achieve.”<sup>11</sup> We embrace the complexities of this endeavor, and respect the independent authorship of each contribution.

**Third, the contributions to this report vary widely in length and approach.** This project brought together participants from a range of fields and disciplines, with the goal of embracing different perspectives and styles rather than imposing standardization. Some Fellows wrote longer essays, while others provided shorter narratives appending extensive bibliographies. Both approaches provide valuable resources for the ongoing work of antibigotry. We are grateful for the Antibigotry Fellows' willingness to contribute to this project in the middle of a global pandemic, on top of their many other commitments.

**Fourth, we recognize that this report does not encompass all categories or manifestations of bigotry.** We invite future consideration of structural bigotry with respect to additional categories, such as aspects of physicality not considered here, bigotry outside of the United States (including bigotry perpetrated by the U.S. government abroad), and bigotry against people who are or were incarcerated. Additionally, while xenophobia is considered as an aspect of several categories of bigotry addressed here, it merits further consideration as its own category. We know that this list is not exhaustive and, as our collective understanding of antibigotry continues to grow, additional aspects of bigotry that need to be examined and dismantled will be revealed.

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<sup>11</sup>Audre Lorde, “Learning from the 60s,” in *Sister Outsider: Essays and Speeches*, (Berkeley: Crossing Press, 2007), 136.

This Antbigotry Convening Report is presented with recognition of our interrelatedness, and a commitment to developing antibigotry solutions that leave no outsiders. The collected works that follow do more than propose concrete steps to mitigate bigotry; they also contribute to the process of imagining a society that is grounded in collective liberation. We hope that this report encourages future antibigotry scholarship and activism.

# CENTER CONTRIBUTION

## Examining Structural Bigotry and Moving Toward Antibigotry

*Caitlin Glass, Esq., Jasmine Gonzales Rose, Esq., Neda Khoshkhoo, Esq., Rachael DeCruz, Selma Hedlund<sup>1</sup>*

We are at a critical moment in U.S. history. As we witness a growing number of laws prohibiting teachers from talking about certain experiences of bigotry, we also see a slew of coordinated physical, verbal, and legislative attacks on communities historically targeted by bigotry. While bigotry manifests in different ways across time, geography, and particular categories, collectively these manifestations consolidate power in insiders. Through this Antibigotry Convening Project, we have endeavored to identify common harms across categories of bigotry, which may indicate potential points of unity for an antibigotry concept and movement.<sup>2</sup>

Bigotry in the United States is generally explored through individual attitudes and acts rather than through a structural lens.<sup>3</sup> This project explores the structural aspects of bigotry—including laws, policies, practices, norms, and narratives—and considers ways that these structural aspects work together with ideas about the alleged superiority and inferiority of particular groups to cause and normalize subordination. A structural analysis of bigotry also considers potential connections between seemingly unrelated individual expressions of bigotry that together perpetuate widespread social inequity.<sup>4</sup>

A structural analysis of bigotry requires the collective engagement of people working across fields, disciplines, practices, and categories of bigotry. The Antibigotry Convening brought together scholars, advocates, and people directly impacted by bigotry to share their voices, experiences, and expertise regarding fifteen identified categories of bigotry: ableism, ageism, anti-Asian/Asian American racism, anti-Black racism and colorism, anti-fat bigotry, anti-Indigenous bigotry, anti-Latinx racism, anti-Pacific Islander bigotry, antisemitism, classism, heterosexism and transphobia, Islamophobia, linguicism, religious intolerance, and sexism. Our objective was to examine structural bigotry and begin developing the concept of antibigotry: actively countering all forms of bigotry and promoting broad social equity.

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<sup>1</sup>Caitlin Glass is the Policy Program Director at the Center; Jasmine Gonzales Rose is a Professor of Law at the Boston University School of Law and the Deputy Director of Research and Policy at the Center; Neda Khoshkhoo is the Associate Director of Policy at the Center; Rachael DeCruz is the Associate Director of Advocacy at the Center; Selma Hedlund is a Ph.D. Candidate in Sociology at Boston University and a graduate research assistant at the Center. We are grateful to Professor Marc-Tizoc González for reviewing our report contribution and providing comments.

<sup>2</sup>For more on the structure and process of the Boston University Center for Antiracist Research's 2021-22 Antibigotry Convening, see the introduction to this report.

<sup>3</sup>For notable exceptions, see Khaled Beydoun, *American Islamophobia* (Oakland: University of California Press, 2018), 36-39, 83 (distinguishing between private and structural bigotry in the context of Islamophobia); Francisco Valdes, "Anomalies, Warts and All: Four Score of Liberty, Privacy and Equality," 65 *Ohio State Law Journal* 65, no. 5 1 (2004): 1394 (discussing "experiments in structural bigotry through majoritarian policymaking" such as laws that "sought to declare sexual minorities permanent pariahs beyond the reach of any realistic law reform effort").

<sup>4</sup>For a related discussion of multidimensionality and anti-subordination, see Francisco Valdes, "Legal Reform and Social Justice: An Introduction to LatCrit Theory, Praxis and Community," *Griffith Law Review* 14, no. 2 (2005): 159 ("Multi-dimensional projects therefore include consideration not only of the race-and-gender intersection, but also of other familiar axes of identity, such as ethnicity, class or sexual orientation, as well as less-studied categories like geography, ability, seniority and other forms of position that are legally or socially relevant to the design and establishment of substantive security for all persons and groups in a 'post-subordination' society.").

As the facilitators of the Antbigotry Convening, we have drawn on the Antbigotry Fellows' written contributions and ideas shared at the Convening modules to: (I) define bigotry in structural terms; (II) examine common structural manifestations of bigotry that emerged from the Fellows' contributions; and (III) consider ways to support antbigotry scholarship and activism in light of these potential points of unity.

## I. What Is Structural Bigotry?

Bigotry is generally understood to be the “[o]bstinate or unreasonable attachment to a belief, opinion, or faction; in particular prejudice against a person or people on the basis [or perception] of their membership of a particular group.”<sup>5</sup> By this definition, bigotry is an expression of individual attitudes and actions.

While bigotry includes individual attitudes and actions, it also includes structural aspects. To define bigotry in structural terms, it is helpful to consider Ibram X. Kendi's definition of racism, which is one kind of bigotry. Kendi has defined racism as “a marriage of racist policies and racist ideas that produces and normalizes racial inequities.”<sup>6</sup> He further defines a racist policy as “any measure that produces or sustains racial inequity between racial groups,” and defines a racist idea as “any idea that suggests one racial group is inferior or superior to another racial group in any way.”<sup>7</sup> He notes that “[r]acist ideas argue that the inferiorities and superiorities of racial groups explain racial inequities in society.”<sup>8</sup>

**Bigotry, likewise, is a union of bigoted ideas and policies that produce and normalize broad group inequities and social injustices.** Bigoted ideas suggest that people from particular social or socially constructed groups are superior or inferior. Bigoted ideas argue that the inferiorities and superiorities of particular groups explain or justify subordination. Bigoted ideas are used as tools to foster privileged forms of group identity, mobilize confederation around causes and candidates, and generate policies that create and reinforce inequity. In a cyclical fashion, bigoted policies then prompt more bigoted ideas which provide a base of support for more bigoted policies. Bigoted policies can be overtly hostile and laden with stereotypes or animus, or they can perpetuate inequity through erasure and quiet disregard. Bigoted policies and bigoted ideas function in a positive feedback loop, where the former reinforces the latter and vice versa.

Notably, the harms of bigotry extend beyond its direct targets. A person can be subjected to bigotry regardless of whether they identify as a member of the targeted group. For example, people who are not Muslim may be targeted by Islamophobia, as demonstrated by Islamophobic epithets and violence directed at Sikh Americans. Additionally, an expression of bigotry may overtly target one group, but covertly perpetuate other forms of bigotry as well. For instance, the model minority myth is directly a stereotype about Asian Americans, but indirectly promotes a narrative about the supposed deficiencies of other racialized groups.<sup>9</sup> Bigotry targeting one group may also cause generalized terror among others.

<sup>5</sup>“Definition of Bigotry,” Oxford University Press, accessed May 1, 2022, <https://www.lexico.com/en/definition/bigotry>.

<sup>6</sup>Ibram X. Kendi, *How to Be an Antiracist* (New York: One World, 2019), 17-18.

<sup>7</sup>Kendi, *How to Be an Antiracist*, 18, 20.

<sup>8</sup>Kendi, *How to Be an Antiracist*, 20.

<sup>9</sup>Paul Y. Watanabe and Sungkwan E.J. Jang Contribution at 58 (citing Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27, no. 1 (March 1999): 105-38).

For example, the criminalization of gender-affirming healthcare for transgender children causes horrific harm to those directly impacted and can also generate fear among people from other structurally marginalized groups who witness mobilization around bigotry and anticipate other bigoted policies yet to come.

Additionally, categories of bigotry do not exist in isolation and can interact or intersect in complicated ways. The theory of Intersectionality illustrates that people targeted by multiple kinds of bigotry can experience harms that are more than the sum of their parts; for example, Black women may experience harms that cannot be adequately understood through an independent analysis of anti-Black racism or sexism.<sup>10</sup> Similarly, the principles of anti-essentialism and multidimensionality illustrate that there is no “essential” experience of any group, and people do not experience aspects of group membership in isolation.<sup>11</sup> Categories of bigotry have been socially constructed through interconnected structures of subordination and cannot be disentangled from one another.<sup>12</sup> Moreover, a person affected by one category of bigotry can perpetuate another,<sup>13</sup> and people can experience internalized bigotry toward themselves.<sup>14</sup>

Taken together, manifestations of bigotry make all but the most privileged in society less safe and free. Bigotry, then, concerns more than just individual attitudes and individual impacts. It can facilitate the theft of land and labor, restrict freedom of movement and expression, enable a punitive legal system, and in all of these ways, create (and putatively justify) violence and trauma. Bigotry divides people and impedes uniting and organizing around shared goals of equity, safety, and justice for all.

For these reasons, the Antibigotry Convening focused on the structural aspects of bigotry. We sought to examine the ways that laws, policies, practices, narratives, and norms work together with bigoted ideas to enact, sustain, and justify wide-ranging discrimination, oppression, and subordination.

<sup>10</sup>“Kimberlé Crenshaw on Intersectionality, More Than Two Decades Later,” *Columbia Law School News*, June 8, 2017, <https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later> (“Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It’s not simply that there’s a race problem here, a gender problem here, and a class or LGBTQ problem there. Many times that framework erases what happens to people who are subject to all of these things.”); Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine,” *University of Chicago Legal Forum* 1989, No. 1, (1989), <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/> (“Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.”).

<sup>11</sup>Angela P. Harris, “Race and Essentialism in Feminist Legal Theory,” *Stanford Law Review* 41, no. 3 (1990): 585 (describing “gender essentialism” as the idea that “a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience”); Darren Lenard Hutchinson, “Identity Crisis: ‘Intersectionality,’ ‘Multidimensionality,’ and the Development of an Adequate Theory of Subordination,” *Michigan Journal Of Race and Law* 6, no. 2 (2001): 309-310 (noting that “[m]ultidimensionality posits that the various forms of identity and oppression are inextricably and forever intertwined”) (internal quotation marks and alterations omitted).

<sup>12</sup>Hutchinson, “Identity Crisis,” at 309; see also Talila A. Lewis, “Working Definition of Ableism - January 2022 Update,” *Talila A. Lewis* (blog), January 1, 2022, <https://www.talilalewis.com/blog/working-definition-of-ableism-january-2022-update> (noting that “societally constructed ideas of normalcy, productivity, desirability, excellence, and fitness . . . are deeply rooted in eugenics, anti-Blackness, misogyny, colonialism, imperialism, and capitalism”); George Yancy and bell hooks, “bell hooks: Buddhism, the Beats and Loving Blackness,” interview by bell hooks, *New York Times*, December 10, 2015, <https://opinionator.blogs.nytimes.com/2015/12/10/bell-hooks-buddhism-the-beats-and-loving-blackness/> (discussing the utility of the phrase “imperialist white supremacist capitalist patriarchy” to illustrate interlocking systems of subordination).

<sup>13</sup>See Marc-Tizoc González, “LatCrit Theory, Multidimensional Analysis and the Elimination of Bias in the Legal Profession” (2021) (“Multidimensional analysis elucidates that all of us perform, daily, and usually in routinized and ‘unconscious’ ways, in an oft-invisible yet ubiquitous matrix of power and potential, and that we tend to replicate and reify the existing hegemony—though in some dimensions more so than others, and at some moments more than others.”) (on file with author).

<sup>14</sup>See Ryan Backer and E-Shien (Iggly) Chang Contribution at 46-47; Janvieve Williams Comrie, Antoinette Landor, Kwyn Townsend Riley, and Jason Williamson Contribution at 76; Cynthia Willis Esqueda and Tyler Press Sutherland Contribution at 160; Jioni Lewis and Ria Tabacco Mar Contribution at 177.

Below we explore some of the common structural manifestations of bigotry identified in the Antbigotry Fellows' respective report contributions. These include: dispossession, dehumanization, exclusion and erasure, criminalization, economic exploitation, control of reproduction and family, and violence. While many of the examples discussed in this report are individually well known and documented, considering them together in the context of structural bigotry illustrates connections and intersections across categories of racialized, marginalized, and subordinated experiences, which may suggest potential points of solidarity.

## II. Common Structural Manifestations of Bigotry

Several common themes that emerged from the Antbigotry Fellows' contributions are examined below. Although the identified manifestations do not apply to all categories of bigotry in identical ways, these themes may suggest connections that can support a conceptualization of and movement toward antbigotry.

### A. Dispossession

Dispossession is a structural mechanism of bigotry that has been formative of the United States, as a nation constructed through settler colonialism. The legal basis for white occupation and ownership of the land that now constitutes the U.S. was founded upon bigoted ideas of white supremacy, Christian dominion, and capitalist western views on the appropriate use of land.<sup>15</sup> Bigoted myths of white supremacy have coalesced with bigoted policies to facilitate dispossession through genocide, warfare, broken treaties, eugenics, forced assimilation, annexations, and removals. While uniquely expressed with respect to Indigenous peoples, dispossession has also been a feature across other categories of bigotry. The contributions to this report illustrate the centrality of land as a site of bigotry and as an essential part of envisioning and constructing an antbigotry future.

Bigoted dispossession was core to the founding of the U.S. as a settler colonial state.<sup>16</sup> As Judy Dow states, writing about anti-Indigenous bigotry, “[t]he European unbending and unreasonable beliefs that

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<sup>15</sup>Johnson v. M'Intosh, 21 U.S. 543 (1823); see also Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (1993): 1715-16.

<sup>16</sup>Natsu Taylor Saito, “Tales of Color and Colonialism: Racial Realism and Settler Colonial Theory,” *Florida A & M University Law Review* 10, no. 1 (2014): 33 (“If we acknowledge this to be a colonial settler state, we cannot ignore the fact that its land base and natural resources—its very existence, as well as its wealth and power—derive from the elimination of Indigenous peoples and the appropriation of their lands.”).

this land was theirs for the taking have controlled our lives since their arrival.”<sup>17</sup> Likewise, regarding settler colonialism in Oceania, Ian Falefuafua Tapu and Terina Kamaileauli‘i Fa‘agau describe a “logic of possession”<sup>18</sup> that has been enacted through “militarization, criminalization, tourism, discrimination, and many other forms of colonial violence.”<sup>19</sup> Land theft through colonization and westward expansion involved both genocidal violence against Indigenous peoples and the violent insistence that Indigenous peoples did not exist in the first place—that the land was an untouched wilderness waiting to be “discovered.”<sup>20</sup> These beliefs were illustrated by legal concepts like the doctrine of discovery, and ideologies like manifest destiny.<sup>21</sup>

In this context, bigoted dispossession in the U.S. has involved not only the taking of land, but also the taking of people from their land, as well as tactics of genocide, violations of sovereignty, and infringements of the right to self-determination. As illustrated by Kyle T. Mays and Judy Dow, colonizers employed genocidal tools of displacement and forced removal of Indigenous peoples from ancestral homes and onto reservations and boarding schools as a means of cultural disintegration and erasure.<sup>22</sup> Settler colonialism also drove the commodification of land through chattel slavery, which involved taking Indigenous African peoples from their land and engaging in similar tactics of forced assimilation.<sup>23</sup> In what is now Alaska, settlers from the U.S. disregarded Alaska Natives’ rights, cultural practices, and systems of governance.<sup>24</sup> Colonizers likewise facilitated Chicana dispossession through “breaches of treaty obligations” and disregard of “cultural and religious practices including communal ownership of land.”<sup>25</sup> Similarly, with respect to territories in Oceania, Tapu and Fa‘agau discuss the imposition of “legal status,” which “seeks not to define Pacific Islanders on their own terms but through a settler-colonial lens, thereby disrupting communities’ cultural connections and practices, their relationships to ancestral lands, and their health and wellbeing.”<sup>26</sup> The imposition of settler language, legal systems, and other oppressive institutions serves to undermine Indigenous sovereignty and the right to self-determination. In this sense, understanding the full scope of dispossession is essential for dismantling its current legal, cultural, and political mechanisms.

<sup>17</sup>Judy A. Dow Contribution at 91.

<sup>18</sup>Ian Falefuafua Tapu and Terina Kamaileauli‘i Fa‘agau Contribution at 119 (quoting Maile Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawai‘i and Oceania* (Durham: Duke University Press, 2019)).

<sup>19</sup>Tapu and Fa‘agau Contribution at 119.

<sup>20</sup>See Dow Contribution; Kyle T. Mays Contribution; David Treuer, “Return the National Parks to the Tribes,” *Atlantic*, April 12, 2021, <https://www.theatlantic.com/magazine/archive/2021/05/return-the-national-parks-to-the-tribes/618395/>.

<sup>21</sup>See Dow Contribution at 90; John Corrigan and Amanda Tyler Contribution at 173.

<sup>22</sup>Dow Contribution at 91 (“[O]ur language was beaten out of us and we were forced to learn the colonizer’s language to survive.”); Mays Contribution at 100 (“[T]he settler population’s goal is to dispossess the Indigenous population of their land and personhood.”).

<sup>23</sup>Kyle T. Mays, *An Afro-Indigenous History of the United States* (Boston: Beacon Press, 2021), xix-xx (discussing the importance of recognizing that “African peoples were in fact Indigenous peoples who were violently ripped from their homelands”); Saito, “Tales of Color and Colonialism,” 54-55 (noting that Indigenous African languages and cultural practices were “erased to the best of settler ability in order to facilitate control over enslaved workers, to justify their classification as property, and to enhance the credibility of settler claims to be uplifting the ‘uncivilized’”).

<sup>24</sup>Alaska Advisory Committee to the U.S. Commission on Civil Rights, “An Overview of Alaska’s Problems and Promises,” in *Racism’s Frontier: The Untold Story of Discrimination and Division in Alaska* (2001), <https://permanent.fdlp.gov/www.usccr.gov/pubs/sac/ak0402/main.htm>.

<sup>25</sup>Guadalupe T. Luna, “Chicana/Chicano Land Tenure in the Agrarian Domain: On the Edge of a ‘Naked Knife,’” *Michigan Journal of Race and Law* 4, no. 1 (1998): 77.

<sup>26</sup>Tapu and Fa‘agau Contribution at 119.

Myths portraying targeted groups as uncivilized and inferior have been used to further policies of dispossession, as illustrated by several report contributions. John Corrigan and Amanda Tyler describe this process with respect to religious intolerance, noting that “[g]roups perceived as competitors for the resources claimed by religion are assessed as impure, dangerous, and an imminent threat to the very existence of the religious community.”<sup>27</sup> Settlers asserted claims of white Christian superiority through policies of eugenics and forced assimilation targeting Indigenous peoples in furtherance of genocide and land control.<sup>28</sup> Settlers made similar assertions of inferiority with respect to African peoples in furtherance of slavery,<sup>29</sup> fomenting ideologies that manifested in subsequent acts of anti-Black dispossession through racial terror and discrimination.<sup>30</sup> Likewise, Tapu and Fa’agau note that colonizers in Oceania “painted a ‘bleak view’ of Pacific Islanders’ existence” in order to justify their dispossession.<sup>31</sup> And claims of Mexican inferiority were central to anti-Chicanx dispossession through the annexation of Texas and the Mexican–American War of 1846–48 wherein settlers employed both physical violence and legal mechanisms to dispele people from their land.<sup>32</sup> These are just a few examples of the ways that people in power have facilitated dispossession by denying the value and dignity of targeted groups.

The report contributions also highlight ways that racist and classist claims of personal financial irresponsibility work together with unjust policies to facilitate dispossession. For example, Jioni Lewis and Ria Tabacco Mar note that although evictions are primarily the result of a national housing crisis—created in large part by land speculators who drive up the cost of housing and land developers who resist constructing affordable housing—they are portrayed as personal failures and used to exclude renters who have been evicted (disproportionately Black women) from future housing opportunities.<sup>33</sup> Similarly, after the 2008 financial crash, corporations and the media promoted narratives of personal financial irresponsibility to justify high foreclosure rates and distract from the racist policies that fed into the financial crisis, including the practice of targeting Black and Latinx communities with

<sup>27</sup>Corrigan and Tyler Contribution at 170.

<sup>28</sup>See Dow Contribution at 91; Mays Contribution at 101-02; Corrigan and Tyler Contribution at 170.

<sup>29</sup>Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 31-76.

<sup>30</sup>Dorothy E. Roberts, “Foreword: Abolition Constitutionalism,” *Harvard Law Review* 133, no. 1 (2019): 39-40 (“[T]he majority of terroristic murders between 1890 and 1920 were intended to facilitate white theft of black people’s property.”); “One Million Black Families in the South Have Lost Their Farms,” *Equal Justice Initiative*, Oct. 11, 2019, <https://eji.org/news/one-million-Black-families-have-lost-their-farms/> (discussing dispossession of Black farmers through discriminatory property tax assessments).

<sup>31</sup>Tapu and Fa’agau Contribution at 118.

<sup>32</sup>See Saito, “Tales of Color and Colonialism,” 42–43 (“These lands were ‘cleared’ for settler occupation by vigilante action and by requiring Mexican residents to affirmatively prove their title claims in U.S. courts with documentation that generally did not exist in the Mexican legal system.”); Juan F. Perea, “A Brief History of Race and the U.S.-Mexican Border: Tracing the Trajectories of Conquest,” *UCLA Law Review* 51, no. 1 (2003): 291-92 (“The racism of white Americans created the rationale to justify the seizure of the lands from allegedly inferior Mexicans.”).

<sup>33</sup>Lewis and Tabacco Mar Contribution at 180.

risky and subprime loans.<sup>34</sup> As noted by Saqib Bhatti and Keri Leigh Merritt, “[b]y racializing the foreclosure crisis as an issue of greedy and irresponsible Black and Latinx borrowers looking to live outside their means, conservatives were able to prevent broad public support for meaningful measures . . . that could have kept millions of people in their homes, most of whom would have been poor white families.”<sup>35</sup> In this way, anti-Black and anti-Latinx stereotypes also helped to facilitate dispossession of poor white people. This is one example of how structural bigotry that is overtly expressed as one category of bigotry (in this example, anti-Black racism or anti-Latinx racism) can metastasize across other categories (in this example, classism).

Narratives of discovery and white supremacy continue to operate as justifications for bigoted policies and obscure dispossession, thereby impeding efforts to seek redress. Mays describes “meta-narratives that persist in telling the general American public that Indigenous peoples are no longer here.”<sup>36</sup> Dow notes that history continues to be taught “from one perspective only - that of the colonizer/settlers.”<sup>37</sup> Tapu and Fa’agau discuss the ongoing prevalence of narratives that objectify the Pacific Islands as exotic places to be possessed and controlled by white people.<sup>38</sup> Alaska is still described as having been “purchased” by the U.S. from Russia—a framing that omits Alaska Natives’ stewardship over the land.<sup>39</sup> Narratives such as these perpetuate Indigenous erasure and objectification, and thereby work to obscure the harm of land theft and the need for land to be returned. Similarly, with respect to anti-Black racism, Janvieve Williams Comrie, Antoinette Landor, Kwyn Townsend Riley, and Jason Williamson highlight narratives of white supremacy that are used to “explain away” harms to Black people.<sup>40</sup> In these ways, settler colonial and white supremacist ideologies help to sustain bigoted policies of dispossession.

## B. Dehumanization and Myths of Inferiority/Superiority

Dehumanization is a common structural manifestation of bigotry facilitated by bigoted ideas that flatten and essentialize people, in combination with cultural, academic, and governmental institutions that replicate and disseminate these narratives.

The report contributions illustrate several themes of dehumanizing narratives that are structurally deployed through modes of cultural production. For example, many contributions describe narratives associating particular characteristics or groups with being degenerate, deviant, primitive, or uncivilized.<sup>41</sup> Other contributions describe narratives of incompetence or a lack of credibility.<sup>42</sup> These

<sup>34</sup>Saqib Bhatti and Keri Leigh Merritt Contribution at 133-34; Mark Ramirez and Lourdes Rosado Contribution at 110-12; see also Justin P. Steil et al., “Social Structure of Mortgage Discrimination,” *Housing Studies* 33, no. 5 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6084476/> (“[P]redominantly black and Latino communities shifted from being objects of economic exclusion to targets for financial exploitation by intermediaries seeking to expand the pool of loans available for securitization.”).

<sup>35</sup>Bhatti and Merritt Contribution at 134.

<sup>36</sup>Mays Contribution at 100 (emphasis added).

<sup>37</sup>Dow Contribution at 95.

<sup>38</sup>Tapu and Fa’agau Contribution at 119.

<sup>39</sup>Saito, “Tales of Color and Colonialism,” 44; Robert T. Anderson, “Alaska Native Rights, Statehood, and Unfinished Business,” *Tulsa Law Review* 43 (2007): 19.

<sup>40</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 77.

<sup>41</sup>Watanabe and Jang Contribution at 64; Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 77; Joy Cox and Amy Erdman Farrell Contribution at 82-83; Dow Contribution at 90-92; Mays Contribution at 100-02; Ramirez and Rosado Contribution at 116-17; Tapu and Fa’agau Contribution at 118-19; Megan Black and Eric Ward Contribution at 125-26; Greensmith, Townsend Riley, and De La Cuadra Contribution at 139-40; Corrigan and Tyler Contribution at 170.

<sup>42</sup>Rabia Belt Contribution at 40; Backer and Chang Contribution at 48-50; Willis Esqueda and Sutherland Contribution at 162-69.

kinds of bigoted ideologies are enacted through symbols, terminology, and media representations to perpetuate dehumanization. For example, Mays highlights the pervasiveness of anti-Indigenous and anti-Black tropes in U.S. culture through the use of mascots, blackface, and minstrelsy.<sup>43</sup> Paul Watanabe and Sungkwan Jang describe the fetishization of Asian American women in popular media, as well as narratives and policies that portray Asian Americans as “perpetual foreigners.”<sup>44</sup> Heron Greenesmith, Kwyn Townsend Riley, and Michaé De La Cuadra highlight ways that visibly and non-visibly queer and trans people are “fetishized” and “demonized,” contributing to “day-to-day violence . . . in public space, in work settings, in healthcare, in school, in sites of religion, and in all aspects of society generally.”<sup>45</sup> Joy Cox and Amy Farrell discuss television shows that reflect, reproduce, and normalize anti-fat bigotry.<sup>46</sup> Bigoted ideas promulgated through cultural means serve to create an “other” who “can be maligned, fetishized, dehumanized and then blamed for the difficulties that other groups of people are suffering,” as stated by Megan Black and Eric Ward, drawing parallels between antisemitism and other categories of bigotry.<sup>47</sup>

Dehumanizing narratives and myths of superiority and inferiority are also operationalized through academic and scientific institutions that cloak bigotry in a veil of legitimacy. The eugenics movement, discussed further below, provides one example of the union of dehumanizing ideas and policies.<sup>48</sup> Pseudoscientific practices have also been mobilized in efforts to criminalize the provision of gender-affirming care for trans youth.<sup>49</sup> Another expression of scientific bigotry includes the suppression of research that contradicts bigoted narratives. For example, Cox and Farrell discuss the role of “deep-seated negative perspectives on fatness” that overshadow research contradicting the prevailing narrative that being overweight causes increased morbidity.<sup>50</sup> These examples illustrate ways that bigoted ideas are incorporated into and promoted by supposedly neutral and rational institutions.

<sup>43</sup>Mays Contribution at 102.

<sup>44</sup>Watanabe and Jang Contribution at 60-65.

<sup>45</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140.

<sup>46</sup>Cox and Farrell Contribution at 88.

<sup>47</sup>Black and Ward Contribution at 125.

<sup>48</sup>See Dow Contribution; Belt Contribution.

<sup>49</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140-41; Jennifer F. Kelly, “Politicians Should Follow the Science on Gender- Affirmation Treatments,” *Hill*, April 29, 2021, <https://thehill.com/opinion/civil-rights/550937-politicians-should-follow-the-science-on-gender-affirmation-treatments> (statement from the president of the APA calling “on the sponsors of these anti-transgender bills to review the existing body of psychological research in this area and refrain from introducing legislation that has been shown to harm their young constituents”); Aviva Stahl, “Meet the ‘Fringe Extremists’ Pushing Flawed Science to Target Trans Kids,” *BuzzFeed News*, April 16, 2021 (noting that “[e]very major medical association in the United States . . . has issued statements supporting gender-affirming care for youth that have met specific diagnostic criteria” but that “[a] small number of highly controversial doctors and researchers have been pushing these anti-trans bills”).

<sup>50</sup>Cox and Farrell Contribution at 85.

Dehumanization is also maintained through rhetoric by elected officials or others in positions of authority. One example is then-president Donald Trump’s denigration of people from Haiti, El Salvador and African countries as being from “shithole countries.”<sup>51</sup> Heterosexism and transphobia among people in positions of authority within healthcare settings can delay the provision of care or deter people from seeking care, as highlighted by Greenesmith, Townsend Riley, and De La Cuadra.<sup>52</sup> Bigotry can also be evoked to garner political support, as illustrated by candidates’ and elected officials’ frequent use of anti-Muslim tropes, discussed by Sahar Aziz, Khaled Beydoun, Dalia Mogahed, and Lakshmi Sridaran.<sup>53</sup> Statements by people in authority can also affect norms. During the coronavirus pandemic, state and government officials have expressed ableist statements about returning to pre-pandemic social life despite ongoing risks, implying neglect or denial of the needs (and value) of people with disabilities.<sup>54</sup> These are just a few ways that bigoted narratives have been employed by people in positions of authority in ways that have systemic impact.

Even purportedly positive narratives can perpetuate bigotry by essentializing people or constructing a false hierarchy among structurally marginalized groups. Watanabe and Jang describe how the “model minority” myth applied to Asian Americans is “interpreted by some as a positive commentary,” but is actually less about “valorizing Asian Americans” and more about denigrating other racialized groups.<sup>55</sup> Such myths not only harm the denigrated racial groups, but also mask experiences of discrimination and hardship within diverse Asian American communities.<sup>56</sup> Similarly, Rabia Belt notes that ableism manifests through the portrayal of people with disabilities “as inspirational figures who have ‘overcome’ their disabilities.”<sup>57</sup> While presented as some kind of compliment, such depictions “serve to reduce disabled people to a stereotype of their bodies and diminish their standing as full-fledged integrated members of American society.”<sup>58</sup> These kinds of narratives are common across multiple categories of bigotry, and pervade popular culture.

The flip side of bigoted myths of inferiority are bigoted myths of supremacy, which are also employed to enforce and justify social inequities. For example, as noted by Williams Comrie, Landor, Townsend Riley, and Williamson, “Eurocentric beauty standards” have perpetuated anti-Blackness through

<sup>51</sup>Ramirez and Rosado Contribution at 116; Ibram X. Kendi, “The Day Shithole Entered the Presidential Lexicon,” *Atlantic*, January 13, 2019, <https://www.theatlantic.com/politics/archive/2019/01/shithole-countries/580054/>.

<sup>52</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140 (citing Shabab Ahmed Mirza and Caitlin Rooney, “Discrimination Prevents LGBTQ People from Accessing Health Care,” *Center for American Progress*, January 18, 2018, <https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-accessing-health-care/> (describing anti-LGBTQ discrimination in healthcare settings, including “harassment and humiliation by providers” and “being turned away by hospitals, pharmacists, and doctors”).

<sup>53</sup>Sahar Aziz, Khaled Beydoun, Dalia Mogahed, and Lakshmi Sridaran Contribution at 150-51.

<sup>54</sup>See Mia Mingus, “You Are Not Entitled to Our Deaths: COVID, Able Supremacy & Interdependence,” *Leaving Evidence*, January 16, 2022, <https://leavingevidence.wordpress.com/2022/01/16/you-are-not-entitled-to-our-deaths-covid-abled-supremacy-interdependence/>; Marisa Kabas, “Disabled Americans Feel Abandoned by CDC. Now, CDC Is Desperate to Make Amends,” *Rolling Stone*, January 11, 2022, <https://www.rollingstone.com/politics/politics-news/covid-cdc-disability-comorbidity-anger-1282759/>.

<sup>55</sup>Watanabe and Jang Contribution at 67.

<sup>56</sup>Tina J. Kauh et al., “The Critical Role of Racial/Ethnic Data Disaggregation for Health Equity,” *Population Research and Policy Review* 40, no. 4 (August 2021): 2, <https://link.springer.com/article/10.1007/s11113-020-09631-6>.

<sup>57</sup>Belt Contribution at 40.

<sup>58</sup>Belt Contribution at 40.

colorism, whereby “the closer to whiteness (and further away from Blackness) individuals are, the more privilege and power they are assigned and granted in society, and in essence, the more power they have.”<sup>59</sup> The ideology of white Anglo supremacy is further illustrated by Corrigan and Tyler’s discussion of white Christian nationalism and Cynthia Willis Esqueda and Tyler Press Sutherland’s discussions of English-only policies.<sup>60</sup> Additionally, Black and Ward highlight that white nationalist groups have used antisemitic tropes to support ideologies of white supremacy by claiming that social justice movements are the work of an evil and powerful “Jewish cabal,” rather than coalitions of supposedly inferior racial groups.<sup>61</sup>

These are just a few ways that dehumanizing narratives are deployed on a structural level. As illustrated by the other sections of the report, dehumanizing ideas are also used to justify other identified structural manifestations of bigotry and explain away widespread social inequities.

### C. Exclusion and Erasure

Exclusion and erasure are related structural manifestations of bigotry that construct an artificial sense of who belongs in the U.S., thereby justifying the denigration and exclusion of supposed outsiders. Exclusionary ideas and policies are used to push targeted groups out of public spaces, neighborhoods, voting booths, courts, schools, and borders. Similarly, narratives and policies of erasure enable the promulgation of false stereotypes about particular groups, obscure experiences of bigotry, and contribute to bigoted mythologies of U.S. history. As demonstrated by the contributions to this report, restricting belonging to a privileged group of insiders allows for subordination across many categories of bigotry.

One area of bigoted exclusion in the U.S. involves restrictions of the rights of citizenship. As illustrated by the report contributions, examples include the designation of whiteness as a prerequisite to naturalization,<sup>62</sup> the status of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Puerto Rico as “unincorporated territories” of the U.S. not subject to the full rights and protections of the Constitution,<sup>63</sup> and the creation of immigration restrictions targeting particular racial, ethnic, and religious groups.<sup>64</sup> Similarly, the 1867 Treaty of Cession with Russia distinguished between “inhabitants” of Russian descent, who could become citizens, and “uncivilized tribes,” who were Alaska Natives that “were considered unworthy of legal recognition as citizens because their way of making a living, their social relations, and their knowledge of ‘white man ways’ was considered inferior.”<sup>65</sup> All of these policies were facially exclusionary and were accompanied by denigrating rhetoric, both reflecting and perpetuating bigoted notions about who can be “American.”

<sup>59</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 74.

<sup>60</sup>Corrigan and Tyler Contribution at 173-74; Willis Esqueda and Sutherland Contribution at 155-56.

<sup>61</sup>Black and Ward Contribution at 128.

<sup>62</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 146 (noting that judges denying naturalization applications parroted Orientalist tropes, portraying Islam as “inimical to American values and irreconcilable with whiteness”).

<sup>63</sup>Tapu and Fa’agau Contribution at 119 (describing *The Insular Cases*); see also Saito, “Tales of Color and Colonialism,” 44 (discussing *The Insular Cases* and noting that “[t]his is still the law that governs American settler state relations with externally colonized peoples”); *Downes v. Bidwell*, 182 U.S. 244 (1901) (characterizing the territories as “inhabited by alien races” and stating that “governing them according to Anglo-Saxon principles may be for a time impossible”).

<sup>64</sup>Watanabe and Jang Contribution at 61 (discussing the Chinese Exclusion Act of 1882); Aziz, Beydoun, Ramirez and Rosado Contribution at 107-08 (discussing immigration restrictions and enforcement targeting Latinx immigrants); Mogahed, and Sridaran Contribution at 147-51 (discussing the “Muslim Ban” of 2017).

<sup>65</sup>William Schneider, “The Treaty of Cession & Alaska Native Rights,” *Alaska Historical Society*, accessed May 28, 2022, <https://alaskahistoricalsociety.org/about-ahs/special-projects/150treaty/150th-resource-library/new-articles/the-treaty-of-cession-and-alaska-native-rights/>.

Bigotry-based exclusion also transcends citizenship and legal rights. For example, in the national security context, the U.S. government has engaged in bigoted scapegoating through policies that drastically restrict the civil liberties of those targeted, including citizens. The incarceration of Japanese Americans during World War II provides one stark example with respect to anti-Asian American bigotry.<sup>66</sup> The passage of “sweeping legislation that eroded the civil liberties of citizens, and residents, who were or perceived to be Muslim” after September 11, 2001, illustrates this paradigm with respect to Islamophobia.<sup>67</sup> Additionally, the government has repeatedly engaged in clandestine intelligence programs to monitor and deter activists seeking to pursue racial equity.<sup>68</sup> These examples demonstrate the power of bigotry to enforce exclusion regardless of legal rights associated with citizenship.

Exclusions from civic institutions and public spaces are also common manifestations of bigotry. Several report contributions address voter suppression and underrepresentation as a manifestation of bigotry that works to preserve existing power structures by limiting who has a say in electoral leadership or legislative agendas.<sup>69</sup> In the legal system, bigotry manifests as exclusion from jury service<sup>70</sup> and access to the courts.<sup>71</sup> Lewis and Tabacco Mar describe the ways that gender-based discrimination in schools facilitates exclusion from certain majors or sports, particularly for students who are also experiencing racism, classism, and/or ableism.<sup>72</sup> Likewise, the construction of exclusionary physical space reflects normative ideas about who belongs in public spaces, and whose health, safety, and economic needs should be considered.<sup>73</sup> These manifestations of bigoted exclusion may seem distinct, but they are interconnected in the sense that all serve to restrict the right to fully and freely participate in society to those who are deemed to be insiders.

While some exclusions manifest through seemingly neutral policies that have a disparate impact on targeted groups, others are overtly bigoted. For example, as noted by Greenesmith, Townsend Riley, and De La Cuadra, there has been a proliferation of legislation explicitly targeting transgender and nonbinary people by criminalizing healthcare for trans youth, barring access to restrooms, preventing

<sup>66</sup>Watanabe and Jang Contribution at 61.

<sup>67</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 147.

<sup>68</sup>Nusrat Choudhury & Malkia Cyril, “The FBI Won’t Hand Over Its Surveillance Records on ‘Black Identity Extremists,’ so We’re Suing,” *ACLU*, March 21, 2019,

<https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/fbi-wont-hand-over-its-surveillance-records-black>.

<sup>69</sup>Watanabe and Jang Contribution at 70; Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 76; Ramirez and Rosado Contribution at 113; Bhatti and Merritt Contribution at 138.

<sup>70</sup>See Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 78; Willis Esqueda and Sutherland Contribution at 167.

<sup>71</sup>See Willis Esqueda and Sutherland Contribution at 168-69.

<sup>72</sup>Lewis and Tabacco Mar Contribution at 180.

<sup>73</sup>Belt Contribution at 40-41; Cox and Farrell Contribution at 86; see also A.A. Vincent, “30 Years after the ADA, We’re Still Fighting for Disability Justice,” *In These Times*, October 1, 2021, <https://inthesetimes.com/article/accessible-future-disability-rights-coronavirus-ada> (“Disabled people were not considered when our society was designed, forcing us to navigate inaccessible and ableist spaces in-person and virtually.”).

trans students from participating in school and sports, and impeding efforts for people to get identification documents reflecting their names and gender identities.<sup>74</sup> Explicitly bigoted policies such as these serve the dual purpose of enforcing specific restrictions and encouraging more generalized social exclusion by stigmatizing targeted groups.

Erasure is a related structural element of bigotry that contributes to bigoted ideologies about particular groups and narratives of belonging. Many contributions to this report describe the calculated scrubbing of historical memory in the U.S. through nationalistic mythology, whitewashed school curricula, misleading terminology, and stereotypical media representations. For example, as discussed above, myths like the discovery doctrine perpetuate false ideas that Indigenous peoples never existed, thus obscuring Indigenous dispossession and settler colonial violence. These myths were further reinforced by policies of forced assimilation that endeavored to erase the cultural practices and languages of peoples indigenous to the U.S. and Africa.<sup>75</sup> Similarly, Watanabe and Jang describe the omission of Asian Americans from visual and narrative accounts of U.S. history, which contributes to stereotypes that essentialize Asian Americans.<sup>76</sup> Tapu and Fa'agau describe the way that demographic data collection methods can perpetuate erasure by “mask[ing] the varied and distinct social, economic, and environmental issues that impact Pacific Islander communities.”<sup>77</sup> Greenesmith, Townsend Riley, and De La Cuadra note that “[q]ueer and trans stories are erased from history, pushed out of the dominant narratives, and misunderstood as Western inventions” which “lead[s] to pervasive cultural incompetence” that can be “compounded” by intersections with other categories of bigotry.<sup>78</sup> Likewise, Ryan Backer and Iggy Chang explain that older people are frequently excluded from health and technology research.<sup>79</sup> Since data “inform law and policy decisions” and “shape public perceptions” of particular groups, imprecise or exclusive data collection and analysis inhibit our ability to understand and disrupt bigotry.<sup>80</sup> Erasures such as these obscure not only the full complex humanity of people targeted by bigotry, but also their acts of resistance and the systems of power that seek their subordination.

Recent efforts to ban books and restrict school curricula that make any mention of racism or sexuality is a concerning development with respect to bigoted exclusion and erasure.<sup>81</sup> As noted by Jason Stanley, critical race theory has served as the latest target of these efforts, though there is a long history of censoring educational materials as a way of “[d]efending a fictional glorious and virtuous national

<sup>74</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140-41; see also “Legislation Affecting LGBTQ Rights Across the Country,” ACLU, accessed May 4, 2022, <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>; “Far-Right Groups Flood State Legislatures with Anti-Trans Bills Targeting Children,” *Southern Poverty Law Center*, April 26, 2021, <https://www.splcenter.org/hatewatch/2021/04/26/far-right-groups-flood-state-legislatures-anti-trans-bills-targeting-children>.

<sup>75</sup>Willis Esqueda and Sutherland Contribution at 156.

<sup>76</sup>Watanabe and Jang Contribution at 59-60, 69.

<sup>77</sup>Tapu and Fa'agau Contribution at 121.

<sup>78</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 142.

<sup>79</sup>Backer and Chang Contribution at 51-52.

<sup>80</sup>Tapu and Fa'agau Contribution at 121; see also Neda Khoshkhoo et al., “Toward Evidence-Based Antiracist Policymaking: Problems and Proposals for Better Racial Data Collection and Reporting,” *Center for Antiracist Research* (Forthcoming 2022).

<sup>81</sup>For a database of proposed and enacted laws restricting racial and gender justice education, see “Truth Be Told Campaign,” *African American Policy Forum*, accessed May 4, 2022, <https://www.aapf.org/truthbetold>.

past.”<sup>82</sup> Stanley suggests that if people are shielded from learning about experiences of bigotry, they may be less likely to understand efforts to resist bigotry, and more likely to meet such efforts with “fury and resentment.”<sup>83</sup> In this way, exclusion and erasure harm those targeted by these mechanisms, and also impede efforts to address bigotry through education and storytelling.

#### D. Criminalization

Criminalization is another common structural manifestation of bigotry. Bigoted criminalization occurs through narratives that associate certain groups or characteristics with criminality, and laws, policies, and practices that target people based on those associations. Although decisions about what conduct to prohibit and punish are portrayed as rational and natural, these are actually subjective determinations that are frequently guided by bigoted ideas.<sup>84</sup> Accordingly, interrogating criminalization is critical to disrupting bigotry.

The contributions to this report illustrate many ways that narratives of criminality drive laws and policies that target people based on bigotry. Ramirez and Rosado discuss bigoted portrayals of Latinx immigrants as criminals, “bad hombres,” or gang members as part of messaging efforts to justify exclusive immigration restrictions, violent border policies, mass detentions, and deportations.<sup>85</sup> Stereotypes of “crack mothers” and “welfare queens”—which emerge at the intersection of anti-Blackness, sexism, and classism—are wielded to support the expansion and enforcement of laws criminalizing reproduction.<sup>86</sup> The “superpredator myth” has contributed to laws allowing for the adult prosecution and excessive sentencing of children, reflecting criminalization at the intersection of ageism and anti-Black racism/anti-Latinx racism.<sup>87</sup> Cox and Farrell discuss the perception of the fat body as a crime, particularly in connection with anti-Blackness.<sup>88</sup> In these ways, false stereotypes of criminality drive the excessive and selective punishment of people already pushed to the margins by bigotry.

<sup>82</sup>Jason Stanley, “America Is in Fascism’s Legal Phase,” *Guardian*, Dec. 22, 2021, <https://www.theguardian.com/world/2021/dec/22/america-fascism-legal-phase>.

<sup>83</sup>Stanley, “America is in Fascism’s Legal Phase.”

<sup>84</sup>Andrea J. Ritchie and Beth E. Richie, *The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response*, (New York: Barnard Center for Research on Women, 2017), <https://bcrw.barnard.edu/wp-content/nfs/reports/NFS9-Challenging-Criminalization-Funding-Perspectives.pdf> (“While framed as neutral, decisions about what kinds of conduct to punish, how, and how much are very much a choice, guided by existing structures of economic and social inequality based on race, gender, sexuality, disability, and poverty, among others.”); see also “Policy Statement 202117: Advancing Public Health Interventions to Address the Harms of the Carceral System,” *American Public Health Association*, October 26, 2021, <https://www.apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Advancing-Public-Health-Interventions-to-Address-the-Harms-of-the-Carceral-System> (discussing federal, state and local policies through which “certain activities and identities are socially constructed as criminal and that legal ramifications are broadened”).

<sup>85</sup>Ramirez and Rosado Contribution at 116.

<sup>86</sup>Mariame Kaba and Andrea J. Ritchie, “Interrupting Criminalization: Research in Action,” *Barnard Center for Research on Women*, accessed May 4, 2022, <https://bcrw.barnard.edu/fellows/interrupting-criminalization-research-in-action/> (discussing these stereotypes); Ritchie and Richie, *The Crisis of Criminalization*, 20 (discussing criminalization of pregnancy and abortion).

<sup>87</sup>See “The Superpredator Myth, 25 Years Later,” *Equal Justice Initiative*, April 7, 2014, <https://eji.org/news/superpredator-myth-20-years-later/>.

<sup>88</sup>Cox and Farrell Contribution at 87.

Narratives of criminality also normalize the overpolicing and punishment of communities targeted by bigotry. Stereotypes of Black and Latinx criminality are used to create a social tolerance of practices like stop-and-frisk and racial profiling.<sup>89</sup> When people facing housing and economic instability are portrayed as lazy or trying to steal from the state, it reinforces the false notion that individual behavior is the root cause of inequity and makes the criminalization of poverty, or the monitoring of people who receive government assistance, more palatable to the general public.<sup>90</sup> Similarly, rhetoric associating Muslim identity with terrorism has spurred the “racial profiling, surveillance, spying, detention, and deportation” of Muslim, Arab and South Asian people in the U.S.<sup>91</sup> The effects of these narratives can show up in individual perceptions. For example, Willis Esqueda and Sutherland cite research showing that police officers testifying against people with accents that are stereotypically associated with a marginalized racial or ethnic group were more likely to be believed than police officers testifying against people without such accents.<sup>92</sup> These perceptions are also reflected in sentencing disparities.<sup>93</sup>

The inequitable enforcement of criminal laws perpetuates false narratives of criminality and vice versa. As noted by Williams Comrie, Landor, Townsend Riley, and Williamson, “Black people are more than three times more likely than whites to be arrested for [marijuana] possession, despite the fact that usage rates among Blacks and whites are nearly identical, and notwithstanding the growing trend toward decriminalization of marijuana across the country.”<sup>94</sup> Data show that Indigenous youth are disproportionately arrested and face harsher outcomes for certain offenses.<sup>95</sup> Loitering laws have

<sup>89</sup>See Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* 4 (Cambridge: Harvard University Press, 2010) (“African American criminality became one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or acceptance of racial violence as an instrument of public safety.”); Elizabeth Hinton and DeAnza Cook, “The Mass Criminalization of Black Americans: A Historical Overview,” *Annual Review of Criminology* 4, (June 29, 2020): 267-68 (“[S]tatistical discourses about black criminality shaped the strategies urban law enforcement authorities deployed in black neighborhoods . . . often resulting in the targeted enforcement of nonviolent crimes from the Prohibition period through the Great Depression.”) (citations omitted).

<sup>90</sup>Bhatti and Merritt Contribution at 132; see also Roberts, “Foreword: Abolition Constitutionalism,” 17-18 (“People who receive Medicaid or Temporary Assistance to Needy Families are subjected to intense surveillance by government agents as a condition of obtaining aid—and if they refuse aid, they are further subjected to child protective services investigations.”) (citations omitted); “Share No More: the Criminalization of Efforts to Feed People in Need,” *National Coalition for the Homeless*, October 2014,

<https://nationalhomeless.org/wp-content/uploads/2014/10/Food-Sharing2014.pdf> (discussing biases and stereotypes that perpetuate restrictions on food sharing).

<sup>91</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 145.

<sup>92</sup>Willis Esqueda and Sutherland Contribution at 168.

<sup>93</sup>See “Policy Statement 202117,” *American Public Health Association* (“Data show that given the same charge, Black and Latinx people are more likely than [w]hite people to be detained pretrial, to be sentenced to incarceration, and, when sentenced in federal courts, to receive longer sentences.”); Aziz, Beydoun, Mogahed, and Sridaran Contribution at 148 (noting that Muslim-perceived defendants receive harsher and longer sentences than non-Muslim perceived defendants for similar crimes).

<sup>94</sup>Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 79; see also Elisa Minoff, “Entangled Roots: The Role of Race in Policies That Separate Families,” *Center for the Study of Social Policy*, October 2018, 12, <https://cssp.org/wp-content/uploads/2018/11/CSSP-Entangled-Roots.pdf> (noting that Black people “have been prosecuted for drug crimes at disproportionately high rates, despite the fact that research has found no significant difference in the rates of either drug use or the selling of drugs between African American and white people—if anything, whites are more likely to do both”).

<sup>95</sup>Leah Wang, “The U.S. Criminal Justice System Disproportionately Hurts Native People: The Data, Visualized,” *Prison Policy Initiative*, October 8, 2021, <https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/>.

been used to target trans women, particularly those who are Black and/or Latinx.<sup>96</sup> This selective enforcement of laws both *reflects* bigoted notions about who should be policed, and *reinforces* bigoted conceptions of criminality by sweeping people into the criminal legal system for conduct that wealthy white people either do not have to engage in given their access to resources (like sleeping in a public place) or engage in freely (like jaywalking or cannabis use).<sup>97</sup> The current state of the U.S. carceral system—which disproportionately incarcerates people who are Black, Indigenous, or other people of color (BIPOC), people who are undocumented, people with disabilities, people who are lesbian, gay, bisexual, transgender, and/or queer, and people who are facing poverty—is the logical result of criminalization based on bigotry.<sup>98</sup>

Criminalization is an effective mechanism of structural bigotry because it can be used to hide evidence of deep social inequity, and to deprive people of otherwise legally protected rights. Incarceration obscures problems like job and housing shortages by sending away and restricting the rights of those who are most affected.<sup>99</sup> Depending on the jurisdiction, people with criminal convictions may be denied housing or employment opportunities, subjected to fines and fees, excluded from public benefits, or disenfranchised.<sup>100</sup> Collateral consequences such as these further stigmatize people who have criminal convictions, facilitating social exclusion—another core feature of structural bigotry, as discussed above.<sup>101</sup> In these ways, the criminal legal system can replicate legally prohibited forms of oppression—as demonstrated by scholarship examining the connections between slavery, convict leasing, Jim Crow, and mass incarceration—and help to maintain structural inequity.<sup>102</sup>

<sup>96</sup>See “Assembly Passes Repeal of the Walking while Trans Ban,” *N.Y. Assembly*, February 2, 2021, <https://nyassembly.gov/Press/?sec=story&story=95254> (describing the repeal of a loitering law that “has been used to disproportionately target trans women and women of color”).

<sup>97</sup>See “Policy Statement 202117,” *American Public Health Association* (noting that “[w]hile touted as universally applied . . . ‘tough-on-crime’ policies are rooted in efforts to exert social control over structurally marginalized people”); Devon W. Carbado, “Predatory Policing,” *UMKC Law Review* 85, no. 3 (2017): 549 (describing non-serious conduct that has been criminalized through vague statutes).

<sup>98</sup>“Policy Statement 202117,” *American Public Health Association*; see also Roberts, “Foreword: Abolition Constitutionalism,” 16 (“The physical expansion of prisons is facilitated by criminalizing subordinated people so that caging them seems ordinary and natural.”).

<sup>99</sup>Bhatti and Merritt Contribution at 135 (discussing the relationship between labor markets and incarceration); Roberts, “Foreword: Abolition Constitutionalism,” 16 (“[P]risons are the state’s response to social crises produced by racial capitalism, such as unemployment and unhealthy segregated housing, and to the rebellions waged by marginalized people who suffer most from these conditions.”); Dan Berger, “How Prisons Serve Capitalism,” Public Books, August 17, 2018, <https://www.publicbooks.org/how-prisons-serve-capitalism> (“[T]here is an emerging consensus that the rise of mass incarceration needs to be understood as the elite response to politically rebellious Black and Brown communities at the advent of neoliberalism.”); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crises, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007) (examining political and economic factors that have contributed to prison expansion).

<sup>100</sup>Roberts, “Foreword: Abolition Constitutionalism,” 37; Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 78.

<sup>101</sup>“Policy Statement 202117,” *American Public Health Association*.

<sup>102</sup>Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 78; Bhatti and Merritt Contribution at 134-35; Roberts, “Foreword: Abolition Constitutionalism,” 4; Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation* (Chicago: Haymarket Books, 2016), 109; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010); Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009).

## E. Economic Exploitation and Extraction

Bigoted ideas have been used to support and justify practices of economic exploitation that primarily serve the interests of a wealthy few. As Bhatti and Merritt put it, “[t]he oligarchs of this country have and have always had fortunes to protect, and white supremacy has always assured their place at the apex of society.”<sup>103</sup> The report contributions highlight several ways that bigoted ideas have furthered economic exploitation through extractive labor practices, predatory consumer industries, and campaigns to divide people who have shared economic interests.

Bigotry has been critical to the exploitation of wage labor and extractive labor practices that fuel U.S. capitalism. Settler colonialism involved not only the violent taking of land from Indigenous peoples, as discussed above, but also the violent “importation of labor—voluntary and involuntary” to make that land profitable, and the imposition of “structures for controlling that labor.”<sup>104</sup> Bigoted ideas have been used to justify the control of labor through slavery and, later, sharecropping, convict leasing, construction projects such as the Transcontinental Railroad, and selective immigration enforcement.<sup>105</sup> The bigoted control of labor has also been facilitated by labor protection exemptions targeting positions disproportionately held by people from historically marginalized groups, as noted by Lewis and Tabacco Mar.<sup>106</sup>

The contributions to this report illustrate the many ways that private industries use bigotry to their economic advantage. For example, the government and private corporations have perpetuated (and benefited from) anti-Indigenous bigotry and a disregard for Indigenous sovereignty by constructing “pipelines that go through Indian Country”<sup>107</sup> and engaging in the “desecration of sacred land.”<sup>108</sup> Additionally, states and corporations impose “fines, fees, forfeiture procedures, prison charges, and bail premiums” that generate revenue from criminalization—which, as discussed above, is another structural manifestation of bigotry.<sup>109</sup> Consumer industries offer another example of predatory bigotry. Bigoted ideas create and normalize anti-Black, anti-fat, and ageist standards that drive interest in the

<sup>103</sup>Bhatti and Merritt Contribution at 131.

<sup>104</sup>Saito, “Tales of Color and Colonialism,” 7.

<sup>105</sup>See Williams Comrie, Landor, Townsend Riley, and Williamson Contribution; Watanabe and Jang Contribution; Ramirez and Rosado Contribution.

<sup>106</sup>See Lewis and Tabacco Mar Contribution at 178 (discussing exclusions of domestic workers, agricultural workers, servers, home health aides, and gig economy workers); “We Dream in Black Program, Notes from the Storm: Black Immigrant Domestic Workers in the Time of COVID-19,” *Institute for Policy Studies and National Domestic Workers Alliance* (2020), <https://www.domesticworkers.org/wp-content/uploads/2021/06/IPS-WDiB-survey-brief-English.pdf>; Linda Burnham, Lisa Moore, and Emilee Ohia, “Living in the Shadows: Latina Domestic Workers in the Texas-Mexico Border Region,” *A.Y.U.D.A. Inc., Comité de Justicia Laboral, Fuerza de Valle Workers’ Center, National Domestic Workers Alliance* (2018), [https://www.domesticworkers.org/wp-content/uploads/2021/06/Living\\_in\\_the\\_Shadows\\_rpt\\_Eng\\_final\\_screen\\_1\\_1.pdf](https://www.domesticworkers.org/wp-content/uploads/2021/06/Living_in_the_Shadows_rpt_Eng_final_screen_1_1.pdf); Kamala Kelkar, “When Labor Laws Left Farm Workers Behind — And Vulnerable to Abuse,” *PBS.org*, September 18, 2016, <https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse>.

<sup>107</sup>Mays Contribution at 105.

<sup>108</sup>Dow Contribution at 92.

<sup>109</sup>Joshua Page and Joe Soss, “The Predatory Dimensions of Criminal Justice,” *Science* 374, no. 6565, (October 14, 2021): 291-94, <https://www.science.org/doi/10.1126/science.abj7782>; see also Ramirez and Rosado Contribution at 112 (noting that fines and fees are often used by government entities to generate revenue); Komala Ramachandra, “Abolish Extortionate Criminal Fines and Fees,” *Jurist*, September 30, 2020, <https://www.jurist.org/commentary/2020/09/komala-ramachandra-abolish-extortionate-criminal-fees/> (same).

diet, beauty, and wellness industry, as highlighted in several report contributions.<sup>110</sup> Moreover, Backer and Chang explain that older people are frequently the targets of financial scams due to bigoted perceptions of their vulnerability.<sup>111</sup> In these ways, bigoted ideas and policies work together to facilitate economic exploitation.

Bigoted ideas and policies also facilitate the undervaluation and undercompensation of targeted groups. Lewis and Tabacco Mar lay out the stark wage gap between men and women, and especially women who are Black, Indigenous, Latinx, or transgender.<sup>112</sup> They also note that professions historically held by women, such as teaching, are “systemically underpaid,” and that “many forms of ‘women’s work’—particularly work historically performed by enslaved Black women—remain excluded from overtime, minimum wage, and other pay protections.”<sup>113</sup> Cox and Farrell likewise explain that fat people “regularly receive lower pay and face educational and job discrimination to such a degree that they will experience lower social mobility compared to their thinner peers and family members.”<sup>114</sup> Greenesmith, Townsend Riley, and De La Cuadra highlight government and private institutions’ underinvestment in queer and trans community leaders.<sup>115</sup> People with disabilities are also frequently underpaid or excluded from employment opportunities.<sup>116</sup> Dehumanizing narratives are deployed to justify such disparities and perpetuate extractive labor policies.<sup>117</sup>

Finally, bigoted ideologies serve as a wedge to prevent broad alliances against capitalism and economic exploitation. As noted in the contributions addressing anti-Latinx racism and anti-Asian/Asian American racism, the portrayal of the U.S. economy as a zero sum game has been used to justify exclusionary immigration policies and anti-immigrant violence by engendering fear that immigrants are coming to take away jobs.<sup>118</sup> Bhatti and Merritt describe the use of “racist stereotypes of poor Black and Latinx people, usually women, as the face of poverty.”<sup>119</sup> This “classist racism” provides “the foundation for getting poor white people to rationalize withholding [social] services from themselves, to the benefit of the oligarchs who would otherwise have to pay greater taxes to fund social welfare programs.”<sup>120</sup> Similarly, Black and Ward highlight that antisemitic stereotypes are used to distract from social problems and “divide[] people who might be allies or form common cause, allowing those who hold structural power to escape responsibility for the conditions that are causing suffering.”<sup>121</sup> False divisions such as these reflect the bigoted idea “that any defending of one oppressed group requires us not to defend anyone else” when actually “the liberation of all oppressed people is essential to the liberation of our society as a whole.”<sup>122</sup> In these ways, structural bigotry helps maintain stark wealth disparities in the U.S.

<sup>110</sup>Backer and Chang Contribution at 54; Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 74; Cox and Farrell Contribution at 82-85.

<sup>111</sup>Backer and Chang Contribution at 53.

<sup>112</sup>Lewis and Tabacco Mar Contribution at 179.

<sup>113</sup> Lewis and Tabacco Mar Contribution at 179.

<sup>114</sup>Cox and Farrell Contribution at 87.

<sup>115</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 142.

<sup>116</sup>Derecka Purnell, “Police Violence Is a Disability Justice Issue,” *Boston Review*, September 29, 2021, <https://bostonreview.net/articles/police-violence-is-a-disability-justice-issue/>.

<sup>117</sup>See supra Section II.B (discussing dehumanization).

<sup>118</sup>Watanabe and Jang Contribution at 63; Ramirez and Rosado Contribution at 116.

<sup>119</sup>Bhatti and Merritt Contribution at 132.

<sup>120</sup>Bhatti and Merritt Contribution at 133.

<sup>121</sup>Black and Ward Contribution at 125.

<sup>122</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 80.

## F. Control of Reproduction and Family

Control of reproduction and families is another widespread structural manifestation of bigotry that emerged from the Antbigotry Fellows' contributions. Through a range of policies and ideas, control of reproduction and family life undermines bodily autonomy, enables social control, divides communities, causes trauma, and perpetuates cultural erasure.

Forced sterilizations have long served as a means of reproductive control across several categories of bigotry.<sup>123</sup> With respect to anti-Indigenous bigotry, Dow highlights that these practices were part of a genocidal campaign that not only harmed individuals, but also contributed to historical erasure by compelling people to hide their identities. She states: "Eugenics in the early 1900s drove Indigenous people underground, led them to self-identify as something other than Indigenous, and thus hiding in plain sight became a way of life."<sup>124</sup> Even after eugenics was debunked as pseudoscience, targeted sterilization of Indigenous, Black, and Latinx people has continued through various mechanisms.<sup>125</sup> As noted by Belt, the 1927 Supreme Court case authorizing forced sterilizations of people deemed mentally disabled—in an opinion rife with overt ableism—has never formally been overturned.<sup>126</sup>

Control of reproduction is also performed through legal restrictions of reproductive freedom, which have recently proliferated. Lewis and Tabacco Mar highlight that states have enacted more restrictions on abortion rights in the last decade than the decade before.<sup>127</sup> These laws cause particular harms to those who face greater barriers to accessing reproductive healthcare, including BIPOC women, poor women, trans and nonbinary people, women with disabilities, and adolescents.<sup>128</sup> These laws not only regulate choices about whether to have a child, but also serve as a means of regulating reproductive bodies more broadly, as "repressive fetal protection laws and abortion restrictions coalesce to criminalize pregnancy itself."<sup>129</sup> In this way, laws controlling reproduction are also a form of criminalization.

<sup>123</sup>Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck* (New York: Penguin Books, 2016); Maya Manion, "Immigration Detention and Coerced Sterilization: History Tragically Repeats Itself," *ACLU News & Commentary*, September 29, 2020, <https://www.aclu.org/news/immigrants-rights/immigration-detention-and-coerced-sterilization-history-tragically-repeats-itself/>.

<sup>124</sup>Dow Contribution at 91.

<sup>125</sup>See Victoria Bekiempis, "More Immigrant Women Say They Were Abused by ICE Gynecologist," *Guardian*, December 22, 2020, <https://www.theguardian.com/us-news/2020/dec/22/ice-gynecologist-hysterectomies-georgia> (discussing allegations that in 2020, doctors at an ICE Detention Center in Georgia performed "non-consensual, medically unindicated and/or invasive gynecological procedures," including hysterectomies on several people detained at the facility); Brianna Theobald, "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters," *Time*, November 17, 2019, <https://time.com/5737080/native-american-sterilization-history/> (discussing sterilizations "performed under pressure or duress, or without the women's knowledge or understanding").

<sup>126</sup>Belt Contribution at 40 (citing *Buck v. Bell*, 274 U.S. 200 (1927)).

<sup>127</sup>Lewis and Tabacco Mar Contribution at 181.

<sup>128</sup>Lewis and Tabacco Mar Contribution at 181.

<sup>129</sup>Roberts, "Foreword: Abolition Constitutionalism," 17-18.

Family separation is a related structural manifestation of bigotry that exerts social control through fear. Bigoted family separations were components of slavery and colonization, and persist through the criminal, child welfare, and immigration systems. In the context of slavery, family separation was used as a means of maximizing profits and enforcing dehumanization in a system that treated people as property.<sup>130</sup> In the context of settler colonialism, family separation was a mechanism of forced assimilation and erasure, perpetuated through Indigenous removals, campaigns to “civilize” and “Christianize” Indigenous children at abusive boarding schools, and “the Indian Adoption Project” which placed Indigenous children in the homes of white families.<sup>131</sup> It should be noted that forcibly transferring children of one national, ethnic, racial or religious group to another is a tactic of genocide, as outlined in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.<sup>132</sup>

The legacies of these bigoted practices are evident in our current criminal and child welfare systems, where family separation is intertwined with processes of criminalization and dehumanization. Bigoted ideas about parental fitness are incorporated into the child welfare system at many levels: from the discretionary determinations made by child protection services workers, to the ultimate decisions handed down by family court judges.<sup>133</sup> Stereotypes of incompetence and deviance interact with systems of overpolicing and surveillance to produce what has been referred to as “Jane Crow,” a child welfare apparatus that targets Black, Indigenous, and Latinx women.<sup>134</sup> Cox and Farrell highlight anti-fat bigotry in these systems as well, noting that children have been removed from homes based on their or their mother’s body size.<sup>135</sup> These separations reflect the “idea that fatness in the family signifies an unsuitable home and unfit parenting,” and target women of color in particular, indicating an intersection of anti-fat bigotry, racism, and sexism.<sup>136</sup> As noted by Lewis and Tabacco Mar, “[i]t is no surprise that poor women, who are often subject to state monitoring via public benefits laws and the criminal legal system, are disproportionately placed into child welfare systems” and that

<sup>130</sup>Ndjuoh MehChu, “Help Me to Find My Children: A Thirteenth Amendment Challenge to Family Separation,” *Stanford Journal of Civil Rights and Civil Liberties* 17, no. 1 (2021): 162–63; Rachel Johnson-Farias, “Uniquely Common: The Cruel Heritage of Separating Families of Color in the United States,” *Harvard Law and Policy Review* 14, no. 2 (2020): 535.

<sup>131</sup>Elisa Minoff, “Entangled Roots”; see also Heron Greenesmith, “Best Interests: How Child Welfare Serves as a Tool of White Supremacy,” *Political Research Associates*, November 26, 2019, <https://politicalresearch.org/2019/11/26/best-interests-how-child-welfare-serves-tool-white-supremacy>.

<sup>132</sup>UN General Assembly, “Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948,” *United Nations, Treaty Series*, vol. 78, 277, <https://www.refworld.org/docid/3ae6b3ac0.html> (accessed April 9, 2022).

<sup>133</sup>Petra Bartosiewicz, “Extraordinary Circumstances: A Father’s Yearslong Struggle to Regain Custody of His Son,” *New York Magazine*, February 15, 2022, <https://nymag.com/intelligencer/2022/02/nyc-acs-child-custody-foster-care.html>; Krista Thomas and Charlotte Halbert, “Transforming Child Welfare: Prioritizing Prevention, Racial Equity, and Advancing Child and Family Well-Being,” *National Council on Family Relations*, April 5, 2021, 4–5, [https://www.ncfr.org/system/files/2021-04/Transforming\\_Child\\_Welfare\\_Brief\\_w\\_ExSum\\_0421.pdf](https://www.ncfr.org/system/files/2021-04/Transforming_Child_Welfare_Brief_w_ExSum_0421.pdf); Dorothy Roberts, “Race and Class in the Child Welfare System,” *PBS*, accessed May 27, 2022, <https://www.pbs.org/wgbh/pages/frontline/shows/fostercare/caseworker/roberts.html>.

<sup>134</sup>Lewis and Tabacco Mar Contribution at 182; Minoff, “Entangled Roots,” 16–17; Stephanie Clifford and Jessica Silver-Greenberg, “Foster Care as Punishment: The New Reality of ‘Jane Crow,’” *New York Times*, July 21, 2017, <https://www.nytimes.com/2017/07/21/nyregion/foster-care-nyc-jane-crow.html>; Dorothy E. Roberts, “Prison, Foster Care, and the Systemic Punishment of Black Mothers,” *UCLA Law Review* 59, no. 6 (2012): 1486.

<sup>135</sup>Cox and Farrell Contribution at 86.

<sup>136</sup>Cox and Farrell Contribution at 86.

“[o]nce identified for family regulation, mothers of color fare worse than their white counterparts.”<sup>137</sup> Moreover, family separation is an inherent consequence of incarceration, which disproportionately harms people across several categories of bigotry.<sup>138</sup>

Family separation and detention have also long been components of racist and xenophobic U.S. border policies. Family separation tactics were used as part of anti-Asian immigration policies at the turn of the twentieth century, and disproportionately harm Latinx immigrants today.<sup>139</sup> As noted by Ramirez and Rosado, elected officials’ descriptions of Latinx immigrants as “animals” perpetuate bigoted narratives that are used to justify family separation.<sup>140</sup> The separation of over 2,500 children—including toddlers—from their parents at the Southwest border in 2018 was one of many family separation policies targeting predominantly Latinx migrants.<sup>141</sup> Bigoted ideas are wielded to normalize the perverse use of family separation as a means of immigration enforcement and deterrence.

Despite recent attention to the harms of family separation, bigoted practices of family separation remain prevalent. The state continues to separate families as “a routine part of civil immigration enforcement.”<sup>142</sup> In February of 2022, the Attorney General and Governor of Texas called for child welfare investigations of families who sought gender-affirming care for their transgender children.<sup>143</sup> The Indian Child Welfare Act of 1978 (ICWA), which was established to address forced assimilation through Indigenous family separations, is currently facing legal challenges in the U.S. Supreme Court.<sup>144</sup> These are just a few examples of the ways that those in power continue to use bigoted ideas and policies to control, assimilate, and eradicate groups of people.

## G. Violence

Violence is a manifestation of bigotry that intersects with many of the others discussed above and can take the form of individual or state-sponsored actions. The contributions to this report illustrate the structural nature of seemingly individual acts of bigoted violence, which are frequently connected to laws, policies, or state actions. Other structural aspects of violent bigotry include violence perpetrated by government actors, and the failure to collectively respond to violence targeting particular groups.

<sup>137</sup>Lewis and Tabacco Mar Contribution at 182.

<sup>138</sup>“Policy Statement 202117,” *American Public Health Association* (noting that “structurally marginalized people are overrepresented” in the carceral system, including people who identify as BIPOC; people who are undocumented; people who have disabilities; people who are LGBTQ+; and people who are facing housing and economic instability); Minoff, “Entangled Roots,” 10 (discussing racial disparities with respect to incarceration rates).

<sup>139</sup>Minoff, “Entangled Roots,” 7.

<sup>140</sup>Ramirez and Rosado Contribution at 116.

<sup>141</sup>Minoff, “Entangled Roots,” 5; MehChu, “Help Me to Find My Children,” 135.

<sup>142</sup>Azadeh Erfani and Heidi Altman, “Comment, Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families,” *National Immigrant Justice Center*, Docket No. DHS-2021-0051 at 2, (January 19, 2022), <https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2022-01/Family-separation-policies-NIJC-comment-2022-01-19.pdf>.

<sup>143</sup>Chase Strangio, “Texas Is Terrorizing Trans Youth,” *Nation*, February 24, 2022, <https://www.thenation.com/article/activism/texas-gender-affirming-care/>.

<sup>144</sup>Amy Howe, “Justices Agree to Review Constitutionality of Indian Child Welfare Act,” *SCOTUSblog*, February 28, 2022, <https://www.scotusblog.com/2022/02/justices-agree-to-review-constitutionality-of-indian-child-welfare-act/>; Randall Akee, “40 Years Ago We Stopped the Practice of Separating American Indian Families. Let’s Not Reverse Course,” *Brookings Institution*, October 11, 2018, <https://www.brookings.edu/blog/up-front/2018/10/11/40-years-ago-we-stopped-the-practice-of-separating-american-indian-families-lets-not-reverse-course/>.

Several report contributions address the relationship between individual acts of bigoted violence and structural expressions of bigotry. Lynching is one example of violent bigotry that has sometimes taken place with the encouragement of state actors and is often part of broader campaigns to stoke fear or punish perceived transgressions of social hierarchies across several categories of bigotry.<sup>145</sup> Many hate crimes are also tied to state-sponsored expressions of bigotry. For example, Watanabe and Jang describe anti-Asian American acts of violence dating back to the 1800s, with spikes in particular political moments, such as in the aftermath of elected officials' anti-Asian/Asian American mischaracterizations regarding the COVID-19 pandemic.<sup>146</sup> Several of these incidents have targeted women, elderly people, and people not fluent in English, indicating intersections with ageism, sexism, linguicism, and xenophobia.<sup>147</sup> Similarly, Aziz, Beydoun, Mogahed, and Sridaran describe how Islamophobia in the U.S. has formed “a system of bigotry propagated by the state, private institutions, and a broader dialectic that tied governmental action with popular vigilantism.”<sup>148</sup> They note that, while Orientalist and anti-Muslim ideology long predated 9/11, there were dramatic increases in anti-Muslim hate crimes after 9/11 and again in 2015, during a presidential election cycle.<sup>149</sup> Greenesmith, Townsend Riley, and De La Cuadra describe pervasive violence against queer and trans people due to “sociocultural factors” and “a lack of comprehensive policy that protects our lives and prohibits our mistreatment.”<sup>150</sup> Backer and Chang also discuss studies drawing connections between structural expressions of ageism and violence towards older people.<sup>151</sup> Black and Ward highlight antisemitic death threats and the desecration of burial sites and houses of worship as “[s]ystemic . . . forms of social control” that “exist to ensure that Jews know their place.”<sup>152</sup> These are just a few examples that illustrate the structural nature of (seemingly) individual acts of bigoted violence.

<sup>145</sup>Ramirez and Rosado Contribution at 107 (discussing anti-Latinx lynching); Watanabe and Jang Contribution at 62 (discussing the Los Angeles massacre of Chinese Americans in 1871); Equal Justice Initiative, *Reconstruction in America: Racial Violence after the Civil War, 1865-1876*, July 2020, 44, <https://eji.org/wp-content/uploads/2020/07/reconstruction-in-america-report.pdf> (discussing lynchings targeting Black people during Reconstruction); *Equal Justice Initiative, Lynching in America: Confronting the Legacy of Racial Terror*, (2017), <https://lynchinginamerica.eji.org/drupal/sites/default/files/2020-09/09-15-20-lia-cap.pdf> (discussing lynching targeting Black people between 1877 and 1950); Barbara Holden-Smith, “Lynching, Federalism, and the Intersection of Race and Gender in the Progressive Era,” *Yale Journal of Law and Feminism* 8, no. 1 (1996): 36 (noting that lynchings in the 1800s targeted “members of groups seen as outsiders by local citizens” and included Mormons, Italian immigrants, Indigenous peoples, Chinese immigrant laborers, and Mexicans); David Garland, “Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America,” *Law and Society Review* 39, no. 4 (2005): 810 (discussing the relationship between individual and state action with respect to public torture lynchings in the twentieth century).

<sup>146</sup>Watanabe and Jang Contribution at 64.

<sup>147</sup>Watanabe and Jang Contribution at 64.

<sup>148</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 146.

<sup>149</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 149.

<sup>150</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140.

<sup>151</sup>Chang and Backer Contribution at 52-53 (citing Chang et al., “Impact of Structural Ageism”).

<sup>152</sup>Black and Ward Contribution at 129.

Other structural manifestations of bigoted violence include acts committed or endorsed by state actors across several categories, generally as a means of amassing wealth or exerting social control. Dow and Mays discuss several examples of anti-Indigenous violence through settler colonialism.<sup>153</sup> Williams Comrie, Landor, Townsend Riley, and Williamson discuss the constant anti-Black violence enacted to extract labor and exert social control throughout slavery and Reconstruction.<sup>154</sup> As illustrated by Corrigan and Tyler, violence has been a consistent mechanism of religious bigotry in the U.S.<sup>155</sup> Police violence is another example of state-authorized violence that manifests across multiple categories, through tactics that target predominantly Black, Indigenous, Latinx, and Muslim communities.<sup>156</sup> Several report contributions also address particular expressions of police violence at the intersection of anti-Black racism and other categories of bigotry, including ableism,<sup>157</sup> Islamophobia,<sup>158</sup> and anti-fat bigotry.<sup>159</sup> Lewis and Tabacco Mar also highlight gendered police violence, including sexual assault, which generally targets Black, Indigenous, Latinx, and queer women.<sup>160</sup>

The failure to recognize and respond to violent acts of bigotry is, itself, violent bigotry. For example, Dow and Mays both highlight the need to address the crisis of Missing and Murdered Indigenous Women (MMIW), wherein Indigenous women, girls, two-spirit, queer, trans, and nonbinary people have been targets of violence, yet perpetrators are rarely held accountable.<sup>161</sup> Similarly, Williams Comrie, Landor, Townsend Riley, and Williamson note that “[t]hroughout the history of this country, and even presently, Black people have been publicly attacked—physically and otherwise—without any significant response from the general public.”<sup>162</sup> Anti-trans hate violence, particularly targeting Black and Latinx people, is generally underreported in the media, or reported in harmful ways that reinforce stereotypes or misgender the person targeted by the violence.<sup>163</sup> Bigotry impedes efforts to

<sup>153</sup>See Dow Contribution; Mays Contribution.

<sup>154</sup>See Williams Comrie, Landor, Townsend Riley, and Williamson Contribution.

<sup>155</sup>See Corrigan and Tyler Contribution.

<sup>156</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 78-79; Ramirez and Rosado Contribution at 112-13; Aziz, Beydoun, Mogahed, and Sridaran Contribution at 145, 153-54; Roberts, “Foreword: Abolition Constitutionalism,” 24; Elise Hansen, “Native Americans: The Forgotten Minority in Police Shootings,” *CNN*, November 13, 2017, <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>; “Native Lives Matter: The Overlooked Police Brutality against Native Americans,” *Lakota People’s Law Project*, November 21, 2017, <https://lakotalaw.org/news/2017-11-21/native-lives-matter-the-overlooked-police-brutality-against-native-americans>.

<sup>157</sup> Belt Contribution at 40; see also Purnell, “Police Violence Is a Disability Justice Issue.”

<sup>158</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 153

<sup>159</sup>Cox and Farrell Contribution at 87.

<sup>160</sup>Lewis and Tabacco Mar Contribution at 182; Roberts, “Foreword: Abolition Constitutionalism,” 24-26 (“Black women, women of color, and queer women are especially vulnerable to gendered forms of sexual violence at the hands of police.”).

<sup>161</sup>Dow Contribution at 96; Mays Contribution at 105; “Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People,” *Federal Register* vol. 86, no. 220, at 64337 (November 15, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-25287.pdf>; Angeline Cheek and Lucy Simpson, “We Need Accountability for Those Who Commit Violence against Native Women,” *ACLU News & Commentary*, October 18, 2021, <https://www.aclu.org/news/racial-justice/we-need-accountability-for-those-who-commit-violence-against-native-women>; “Murdered and Missing Indigenous Women,” *Native Women’s Wilderness*, accessed May 4, 2022, <https://www.nativewomenswilderness.org/mmiw>.

<sup>162</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 27.

<sup>163</sup>Max Osborn, “U.S. News Coverage of Transgender Victims of Fatal Violence: An Exploratory Content Analysis,” *Violence Against Women*, August 2021, <https://doi.org/10.1177/10778012211025995>; Anagha Srikanth, “Anti-Trans Hate Crimes Soar—And True Numbers May Be Worse,” *Changing America*, November 2020, <https://thehill.com/changing-america/respect/equality/526609-anti-trans-hate-crimes-soar-and-true-numbers-may-be-worse>.

intervene in violence and seek accountability because, as noted in the contribution addressing anti-Black racism, bigotry “encourages the public to dismiss harm when it is done to communities of oppressed populations.”<sup>164</sup> The burden of demanding accountability for violence compounds the harm imposed by violent acts of bigotry.

### III. Moving Toward Antibigotry

A structural analysis of bigotry suggests some considerations for moving towards a unified concept of antibigotry. In Part I, we defined bigotry as a union of bigoted ideas and policies that produce and normalize broad social inequities. In Part II, we examined common structural manifestations of bigotry, illustrating connections and themes that emerged from the Antibigotry Fellows’ contributions. Here, we build on this foundation to define antibigotry, and explore ways to support antibigotry scholarship and activism.

#### A. What Is Antibigotry?

The concept of antibigotry is grounded in the recognition that many expressions of bigotry are interrelated and/or intersecting, and that while experiences of bigotry may differ, bigotry—in both its individual and structural forms—operates to preserve systems of power and subordination in the U.S. Moreover, seemingly isolated expressions of bigotry often produce common harms, suggesting possibilities for solidarity.

To define antibigotry, we return to Kendi’s analysis of antiracism. Kendi defines antiracism as “a powerful collection of antiracist policies that lead to racial equity and are substantiated by antiracist ideas.”<sup>165</sup> He further defines an antiracist policy as “any measure that produces or sustains racial equity between racial groups,” and an antiracist idea as one “that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group.”<sup>166</sup> This reasoning can be applied in the context of antibigotry.

**Antibigotry is a collection of antibigoted policies that promote broad group equity and social justice and are substantiated by antibigoted ideas.** Antibigoted policies are those that counteract the discrimination, oppression, or subordination of any social or socially constructed group. Antibigoted ideas recognize that no group of people is superior or inferior to any other.

Antibigotry means working to disrupt all forms of bigotry, without leaving anyone behind. Antibigoted policies and ideas do not perpetuate one category of bigotry in service of disrupting another. In this way, antibigotry cannot be pursued in isolated silos. Rather, antibigotry is a collaborative endeavor toward collective liberation.

<sup>164</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 80.

<sup>165</sup>Kendi, *How to Be an Antiracist*, 20.

<sup>166</sup>Kendi, *How to Be an Antiracist*, 18.

## B. Antibigotry Possibilities

This project has explored common harms and shared interests that may facilitate organizing towards antibigotry. With this in mind, and based on the convening sessions and Fellows' report contributions, below we examine some potential interventions that antibigotry activists could collectively explore, attempt, build upon, revise, and re-implement. The purpose of this Section is not to impose an agenda or minimize existing efforts to confront bigotry through powerful coalitions. Our hope is to contribute to a unified antibigotry concept and movement.

### a. Land and Environmental Justice

Land justice is an important component of antibigotry. As discussed above, the U.S. was formed through settler colonial dispossession that was rooted in bigoted ideas. Bigoted narratives have also been wielded to justify dispossession across other categories of bigotry. Antibigotry efforts to achieve land justice should engage all who have been harmed by dispossession, while recognizing Indigenous sovereignty.

We cannot confront bigotry in the U.S. without determining how to honor treaties and return Indigenous land.<sup>167</sup> The return of land can take many forms, and particular methods may vary based on context and the wishes of those who have been dispossessed.<sup>168</sup> Tapu and Fa'agau elevate a conceptual framework outlined by Kapua'ala Sproat to help evaluate "whether actions will result in on-the-ground justice for Indigenous communities or only exacerbate colonial harms."<sup>169</sup> This framework encompasses four values of Indigenous self-determination: (1) cultural integrity, (2) land and natural resources, (3) social determinants of health and wellbeing, and (4) self-governance. Mays and Dow describe similar decolonizing pathways.<sup>170</sup>

In addition to returning stolen land to Indigenous peoples, pursuing antibigotry involves considering how to redress and prevent other forms of dispossession. A key question for an antibigotry movement is how to pursue justice for all forms of bigoted dispossession without further perpetuating anti-Indigenous dispossession and erasure by disregarding prior Indigenous stewardship of land. Antibigotry involves exploring ways to redress Latinx/Chicanx dispossession that occurred through treaty violations, war, and legal mechanisms; the dispossession of enslaved African people who were taken from their land; the dispossession of people who have been subjected to illegal foreclosures; and many more. Such problems are challenging, but broad-based coalitions built on solidarity have the power to navigate a path forward.<sup>171</sup>

<sup>167</sup>See Dow Contribution; Mays Contribution.

<sup>168</sup>See Kyle Mays, *Afro-Indigenous History of the United States* (Boston: Beacon Press, 2021), 181 (suggesting that vacant plots of land in urban centers could be given to Indigenous peoples); David Treuer, "Return the National Parks to the Tribes," *Atlantic*, April 12, 2021, <https://www.theatlantic.com/magazine/archive/2021/05/return-the-national-parks-to-the-tribes/618395/> (proposing the return of national park land to Indigenous tribes); "Return Land/Land Return," *Sogorea te' Land Trust*, <https://sogoreate-landtrust.org/return-land/> (accessed April 9, 2022) (collecting examples of repatriation); NDN Collective, accessed May 4, 2022, "Landback Campaign Demands," <https://ndncollective.org/campaigns/> (listing four campaign demands).

<sup>169</sup>Tapu and Fa'agau Contribution at 122.

<sup>170</sup>See Dow Contribution at 93-96; Mays Contribution at 105.

<sup>171</sup>See Mays, *An Afro-Indigenous History of the United States*, 123 (calling for "coalitions across races, across borders, especially as global capitalist exploitation, neocolonialism, and imperialism continue to impact us all, albeit at times in different ways").

An antibigotry approach to land justice could also include efforts to reverse environmental degradation. Land is constantly degraded by capital, and the degradation of land has gone hand in hand with the degradation of people. An environmental program rooted in antibigotry could also include funding to support Indigenous-led programs that engage methods of stewardship that settler colonialism endeavored to destroy.<sup>172</sup>

Confronting dispossession through antibigotry also involves interrogating systems of private property that were constructed through settler colonialism and slavery. This includes exploring possibilities for land decommodification. Additionally, it may be helpful to consider the concepts of “dignity taking” and “dignity restoration,” developed by scholar Bernadette Atuahene.<sup>173</sup> Atuahene defines a “dignity taking” as a particular form of dispossession that “occurs when a state directly or indirectly destroys or confiscates property rights from owners or occupiers and the intentional or unintentional outcome is dehumanization or infantilization.”<sup>174</sup> In such cases, Atuahene argues, material compensation alone is an insufficient remedy, because it fails to address the attack on dignity that accompanied the dispossession. Instead, Atuahene proposes the remedy of “dignity restoration,” which “seeks to provide dispossessed individuals and communities with material compensation through processes that affirm their humanity and reinforce their agency.”<sup>175</sup> Since dispossession and dehumanization are both structural mechanisms of bigotry examined here, it may be helpful to consider their potential interconnections in developing antibigotry interventions.

## **b. Disruptive Cultural Expression and Radical Healing**

The contributions to this report have illustrated that legal and policy changes alone cannot dismantle bigotry. For example, as noted by Greenesmith, Townsend Riley, and De La Cuadra, some states and localities have adopted policies that prohibit discrimination on the basis of gender identity, “[b]ut despite what is written into legislation, there is still a culture that allows for the discrimination and violence to occur.”<sup>177</sup> Antibigotry efforts can extend beyond the legal realm and include other social, cultural, and narrative components.

Cultural and artistic expressions are powerful mediums for shifting narratives of dehumanization and envisioning liberatory futures. Visual art, books, movies, television shows, and music can challenge structural bigotry by depicting experiences that contradict dominant narratives, and portray the complexities of human personhood.<sup>177</sup> Storytelling in educational or training settings can illuminate

<sup>172</sup>See Dow Contribution at 93-94 (discussing the need to support Indigenous people in reclaiming lifeways and Traditional Ecological Knowledge); Mays Contribution at 103 (citing Jessica Hernandez, *Fresh Banana Leaves: Healing Indigenous Landscapes through Indigenous Science* (Berkeley: North Atlantic Books, 2022)).

<sup>173</sup>Bernadette Atuahene, “Dignity Takings and Dignity Restoration: Creating A New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required,” *Law and Social Inquiry* 41, no. 4 (2016): 797.

<sup>174</sup>Atuahene, “Dignity Takings and Dignity Restoration,” 817.

<sup>175</sup>Atuahene, “Dignity Takings and Dignity Restoration,” 818.

<sup>176</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 141.

<sup>177</sup>See Cox and Farrell Contribution at 88 (discussing writers and photographers disrupting anti-fat bigotry through works that engage complexities of their subjects); Landback Art - Collective Art Liberation, <https://landback.org/programs/#landback-art>.

mechanisms of structural bigotry and encourage questioning of the status quo.<sup>178</sup> Narrative-shifting can also occur through interpersonal conversations within networks of trust.<sup>179</sup> Importantly, antibigotry art and storytelling are not just about responding to bigotry; they also help facilitate the difficult work of envisioning a future without bigotry.

Creating space for healing and joy is itself a radical act of resisting dehumanization. As highlighted by Lewis and Tabacco Mar, spaces for individual and collective healing enable those who are targeted by bigotry “to exist in the space between fighting interlocking systems of oppression and envisioning future possibilities for wellness, freedom, and dignity.”<sup>180</sup> Imagining a world without bigotry is a central step towards building one.

### c. Belonging

The contributions to this report help illustrate the ways that exclusive policies, whitewashed school curricula, inaccessible physical spaces, stigmatization, and similar mechanisms work together to construct a sense of who belongs in the U.S. and who does not. Antibigotry involves deconstructing myths of entitlement, promoting public understanding of U.S. history, rejecting inhumane border policies, and expanding civic and social inclusion.

Public education and critical research initiatives can be used to counteract erasure and exclusion by presenting more accurate and comprehensive accounts of U.S. history and modern life. For example, the topics discussed throughout this report could be covered by standard K-12 education in the U.S., rather than being silenced through legislation prohibiting the study of critical race theory or other antibigotry literature. Another strategy is to provide federal funding for education initiatives aimed at mitigating historical erasure, such as courses on Indigenous and Afro-Indigenous languages. Likewise, research and scholarship can be used to elevate underexamined experiences within communities marginalized by bigotry, such as Asian American experiences that do not comport with the “model minority” myth, as noted by Watanabe and Jang, and experiences in urban Indigenous communities, as noted by Mays. Such scholarship should employ critical methodologies that incorporate research participants as experts in their own experiences.<sup>181</sup>

<sup>178</sup>See Backer and Chang Contribution at 57 (recommending educational efforts that reveal “the contributions of all individuals across age groups, by providing accurate representations of older individuals, and encouraging empathy building for all age groups”); Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 80 (stating that “in order for the public—and white America in particular—to become invested in pushing back against anti-Blackness, they must find and appreciate the real value of the Black experience”); Aziz, Beydoun, Mogahed, and Sridaran Contribution at 154 (recommending “Islamophobia trainings and workshops led by experts highlighting the anatomy and architecture of state-sponsored and private Islamophobia, notable policies and currents that perpetuate it, and action steps that can be implemented within institutions”); Lewis and Tabacco Mar Contribution at 184 (noting the need to “deconstruct gender stereotypes” and “increase awareness about gender bias and bystander intervention”).

<sup>179</sup>See Ramirez and Rosado Contribution at 117, Corrigan and Tyler Contribution at 174.

<sup>180</sup>Lewis and Tabacco Mar Contribution at 184.

<sup>181</sup>See Vivetha Thambinathan and Elizabeth Anne Kinsella, “Decolonizing Methodologies in Qualitative Research: Creating Spaces for Transformative Praxis,” *International Journal of Qualitative Methods* 20, no. 1 (May 4, 2021): 1–9, <https://doi.org/10.1177/16094069211014766> (discussing research practices that include “(1) exercising critical reflexivity, (2) reciprocity and respect for self-determination, (3) embracing ‘Other(ed)’ ways of knowing, and (4) embodying a transformative praxis”); Fran Baum, Colin MacDougall, and Danielle Smith, “Participatory Action Research,” *Journal Epidemiol Community Health* 60, no.10 (October 2006): 854–857, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2566051/> (discussing participatory action research in the public health context). But see Eve Tuck and K. Wayne Yang, “Decolonization Is Not a Metaphor,” *Decolonization: Indigeneity, Education and Society* (2012) (noting that critical methods may be important but they are not actual decolonization, which is the process of “bring[ing] about the repatriation of Indigenous land and life” and not a metaphor).

Disrupting bigotry also calls for rejecting violent border policies, restrictive immigration quotas, and any immigration law that targets people—even indirectly—based on characteristics that have been historically subjected to subordination. Alternative immigration frameworks could allow for holistic reviews of all relevant circumstances, rather than imposing categorical bans based on overbroad criteria.<sup>182</sup> There should also be clear paths to legal status.

Broad civic inclusion may also help counteract bigoted paradigms of belonging. This includes the protection and expansion of the right to vote through, among other things: federal voting rights legislation, laws restoring or maintaining voting rights for people with criminal convictions, improved language access in elections (such as multilingual ballots), and federal funding for community-based organizations that are working to register voters and protect voting rights. The federal government should also guarantee meaningful access to courts, including by providing funding for translation services in civil proceedings. As noted by Corrigan and Tyler, civic inclusion also requires deconstructing white Christian nationalism, which promotes notions of white and Christian supremacy.

Belonging also involves physical inclusion. One aspect of inclusion is the accessibility of public spaces with respect to age, size, gender, and ability or disability.<sup>183</sup> Additionally, as noted by Greenesmith, Townsend Riley, and De La Cuadra, physical inclusion can look like “inclusive housing, bathrooms, sport teams and organizations.”<sup>184</sup> As they put it, physical inclusion “is a movement towards liberation.”<sup>185</sup>

#### **d. Divesting from Criminalization and Investing in Communities**

Antibigotry involves interrogating choices about how society defines and responds to harm. An antibigotry process can elevate community-based approaches to safety, poverty, houselessness and justice, rather than relying on carceral responses to these issues. An antibigotry process can also explore ways to redress the damages imposed by policies of criminalization.

<sup>182</sup>See “We Are Home Urges DHS to Adopt New Framework for Immigration Processing,” *We Are Home*, March 2021, <https://www.wearehome.us/news/we-are-home-urges-dhs-to-adopt-new-framework-for-immigration-processing>; Nayna Gupta, “A Chance to Come Home: A Roadmap to Bring Home the Unjustly Deported,” National Immigrant Justice Center, April 2021, [https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2021-04/Chance-to-Come-Home\\_White-Paper\\_NIJC-April2021.pdf](https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2021-04/Chance-to-Come-Home_White-Paper_NIJC-April2021.pdf).

<sup>183</sup>See “Designing with Difference Series, Shifting the Ground—New Ways of Thinking about Design and Disability,” Molonglo, accessed May 4, 2022, <https://molonglo.com/theory/articles/shifting-the-ground-new-ways-of-thinking-about-design-and-disability>; Mia Mingus, “Changing the Framework: Disability Justice,” *Leaving Evidence*, February 12, 2011, <https://leavingevidence.wordpress.com/2011/02/12/changing-the-framework-disability-justice/> (stating that “[a]ccessibility is concrete resistance to the isolation of disabled people” but noting the need to “move beyond access by itself” and “practice an accessibility that moves us closer to justice, not just inclusion or diversity”).

<sup>184</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 143.

<sup>185</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 143.

An antibigotry movement can explore ways to put an end to current systems of policing and punishment, which perpetuate structural bigotry and fail to promote safety or justice, and build more effective and humane systems for repairing harm.<sup>186</sup> As noted by the American Public Health Association, investment in punitive and carceral solutions to social problems is “ineffective and avoidable.”<sup>187</sup> Moving towards abolition of the carceral state may involve the use of “non-reformist reforms—those measures that reduce the power of an oppressive system while illuminating the system’s inability to solve the crises it creates.”<sup>188</sup> Potential areas of divestment from failed policies of criminalization include removing police from schools;<sup>189</sup> developing non-law enforcement resources to respond to mental and other health crises;<sup>190</sup> and ending the use of solitary confinement, the death penalty, the construction of new prisons, and cash bail.<sup>191</sup> Across the country, people are developing “community-based safety strategies that expand our ideas about what keeps us safe.”<sup>192</sup> Many of these strategies engage the concept of transformative justice which, as abolitionist organizer Mariame Kaba has put it, “is about how we respond to violence and harm in a way that doesn’t cause more violence and harm.”<sup>193</sup> Critical research methodologies, such as Participatory Action Research, can be a helpful tool for exploring and expanding these strategies by elevating the expertise of people most impacted by policies of criminalization.<sup>194</sup> Efforts such as these can also be supported through advocacy, narrative, and policy initiatives.<sup>195</sup>

<sup>186</sup>See Greenesmith, Townsend Riley, and De La Cuadra Contribution; Bhatti and Merritt Contribution; Williams Comrie, Landor, Townsend Riley, and Williamson Contribution; see also “Policy Statement 202117,” *American Public Health Association* (noting that “[h]igher incarceration rates have not been shown to increase public safety”); Roberts, “Foreword: Abolition Constitutionalism,” 43-44 (“Because the current carceral system is rooted in the logic of slavery, abolitionists must look to a radically different logic of human relations to guide their activism”).

<sup>187</sup>“Policy Statement 202117,” *American Public Health Association*.

<sup>188</sup>Dan Berger, Mariame Kaba, and David Stein, “What Abolitionists Do,” *Jacobin*, Aug. 24, 2017, <https://www.jacobinmag.com/2017/08/prison-abolition-reform-mass-incarceration/>; see also Mariame Kaba and Rachel Herzing, “Transforming Punishment: What Is Accountability without Punishment?” in *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice*, 132-38 (Chicago: Haymarket Books, 2021) (discussing abolitionist principles for radical reform); Roberts, “Foreword: Abolition Constitutionalism,” 114-20 (discussing non-reformist reforms and strategies for mitigating harms imposed by criminalization).

<sup>189</sup>Philip Palmer, “LAUSD Program Helping Black Students Achieve Personal, Academic Goals,” *abc7*, <https://abc7.com/lausd-black-students-student-achievement-plan-education/11402389/> (noting that after the Los Angeles Unified School District cut its police budget by \$25 million and redirected the funds to a student support program, initial data showed that “suspension rates have decreased while proficient levels are up in English and math. And there’s an increase across the district in the number of students on track in college preparatory classes”).

<sup>190</sup>See “Alternatives to Policing Services,” *Defund the Police*, <https://defundthepolice.org/alternatives-to-police-services/> (accessed April 9, 2022) (discussing alternatives to policing, including community emergency services); Purnell, “Police Violence Is a Disability Justice Issue,” (noting that “[w]hile these programs can be a step toward reducing our reliance on police, they are not necessarily abolitionist”).

<sup>191</sup>Berger, Kaba, and Stein, “What Abolitionists Do.”

<sup>192</sup>See “One Million Experiments,” Project NIA and Interrupting Criminalization, accessed May 4, 2022, <https://millionexperiments.com/> (an online repository of community-based safety projects); Ritchie and Richie, “The Crisis of Criminalization,” 27 (noting that it is “critical for funders to invest in groups envisioning, practicing and piloting responses to violence – including gang violence, domestic violence and sexual assault, and violence against trans women—that don’t further criminalization” and listing examples).

<sup>193</sup>“Mariame Kaba Interview by Ayana Young, Moving Past Punishment,” in *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice* (Chicago: Haymarket Books, 2021), 149.

<sup>194</sup>See Ritchie and Kaba, “Interrupting Criminalization” (describing a project that “[c]ombin[es] participatory research, data analysis, and systemic advocacy . . . to address the growing criminalization and incarceration of women and LGBTQ people of color for public order, survival, drug, child welfare and self-defense related offenses”); Grace Gámez, “The Barrio Centro Community Safety Participatory Research Project Report,” *Flowers & Bullets Collective* (2021), <https://afscarizona.org/wp-content/uploads/2021/10/Barrio-Centro-Report.pdf>.

<sup>195</sup>See Mariame Kaba, *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice* (Chicago: Haymarket Books, 2021), 132-38 (a series of essays and interviews regarding abolitionist organizing principles and strategies); Roberts, “Foreword: Abolition Constitutionalism,” 110 (proposing the use of “abolition constitutionalism,” which involves “instrumentally using the Constitution to build a society based on principles of freedom, equal humanity, and democracy—a society that has no need for prisons”).

An antibigotry movement can also explore statutory avenues for decriminalization and decarceration. Congress and state legislatures should interrogate the supposed public safety benefits of criminal laws and legalize conduct that is selectively policed and punished without any demonstrated benefit to communities. For example, some initial areas of legalization may include laws that criminalize poverty (e.g. vagrancy, loitering, jaywalking, food-sharing),<sup>196</sup> technical parole violations,<sup>197</sup> migration,<sup>198</sup> and substance use or possession.<sup>199</sup> Similarly, decarceration is necessary to address harms imposed by criminalization. Mechanisms of decarceration may include retroactive amendments to sentencing statutes and guidelines,<sup>200</sup> and the exercise of executive clemency powers—including through categorical relief.<sup>201</sup> Additionally, Congress and state legislatures could pass “second look” laws that allow incarcerated people to seek early termination through judicial review of their sentences,<sup>202</sup> and parole could be reinstated at the federal level and in states where that possibility has been foreclosed.<sup>203</sup>

<sup>196</sup>Bill Mahoney, “Legislature Votes to Repeal Law against Loitering for Purpose of Prostitution,” *Politico*, February 4, 2021, <https://www.politico.com/news/2021/02/04/legislature-votes-to-repeal-law-against-loitering-for-purpose-of-prostitution-465849>; “Share No More: the Criminalization of Efforts to Feed People in Need,” 24.

<sup>197</sup>“The Enormous Cost of Parole Violations in New York,” *Columbia University Justice Lab*, March 11, 2021, <https://justicelab.columbia.edu/cost-of-ny-parole-violations>.

<sup>198</sup>Erfani and Altman, “Comment, Recommendations To Support the Work of the Interagency Task Force on the Reunification of Families,” 3 (noting that migration-related prosecutions originated “during the height of the eugenics movement to further racist and white supremacist ideology” and “continue to have a starkly discriminatory impact on individuals with Hispanic or Latinx origin” including through family separations and interference with asylum claims).

<sup>199</sup>See “Drug Decriminalization,” *Drug Policy Alliance*, accessed May 4, 2022, <https://drugpolicy.org/issues/drug-decriminalization>.

<sup>200</sup>“Retroactivity & Recidivism, The Drugs Minus Two Amendment,” *U.S. Sentencing Commission*, July 2020, [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200708\\_Recidivism-Drugs-Minus-Two.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200708_Recidivism-Drugs-Minus-Two.pdf) (discussing sentence reductions for certain drug offenses and finding there was no statistically significant difference in the recidivism rate of people released early versus those who served their full sentences).

<sup>201</sup>“ACLU Redemption Campaign,” *ACLU News and Commentary*, accessed May 4, 2022, <https://www.aclu.org/news/topic/the-redemption-campaign-embracing-clemency> (calling for categorical clemency for: (1) people who, if convicted under current laws, would serve a lesser sentence than what they are serving; (2) people convicted of drug distribution and possession offenses; (3) people incarcerated for technical probation or parole violations; and (4) older incarcerated people); Rachel E. Barkow and Mark Osler, “We Know How to Fix the Clemency Process. So Why Don’t We?,” *N.Y. Times*, July 13, 2021, <https://www.nytimes.com/2021/07/13/opinion/biden-clemency-justice-dept.html> (noting that clemency has historically been a “lottery” and that the federal clemency review process be moved out of the Department of Justice and instead handled by a review board that includes formerly incarcerated people).

<sup>202</sup>See, e.g., JaneAnne Murray et al., “Second Look=Second Chance: Turning the Tide through NACDL’s Model Legislation,” *National Association of Criminal Defense Lawyers (NACDL)*, 2021, <https://www.nacdl.org/getattachment/c0269ccf-831b-4266-bbaf-76679aa83589/second-look-second-chance-turning-the-tide-through-nacdl-s-model-second-look-legislation.pdf>.

<sup>203</sup>*United States v. Portillo*, 981 F.3d 181, 187 (2d Cir. 2020) (stating that a nineteen-year-old’s fifty-five-year sentence “illustrate[d] the unfortunate consequences of eliminating parole” at the federal level).

Finally, an antibigotry movement can explore ways to divert the resources that have been devoted to criminalization toward preventive solutions, such as “stable and supportive housing, affordable high-quality education starting in early childhood, well-paying employment, culturally responsive youth programs, and affordable and accessible health care.”<sup>204</sup> Reorienting socio-legal responses to harm can help to disrupt processes of criminalization.

### e. Economic Justice

A future grounded in antibigotry is one where there is economic justice for all. The contributions to this report propose several ways to intervene in bigoted economic exploitation, including expanding workplace protections, closing wage gaps, and building a more robust social safety net.

Federal workplace laws should be expanded to include all workers. An antibigotry movement may consider ways to remove bigotry-based carve outs that exclude positions historically held by Black women and immigrants from labor protections, as highlighted by Lewis and Tabacco Mar.<sup>205</sup> In addition to amending federal labor laws, antibigotry advocacy could include state-level strategies to expand workplace protection laws and the availability of workers’ compensation, disability, and unemployment insurance.

Antibigotry also involves undoing the systematic economic exploitation of low-wage workers and the undercompensation of people targeted by bigotry. One strategy for doing so is providing a Universal Basic Income and Federal Jobs Guarantee, as suggested by Bhatti and Merritt.<sup>206</sup> Programs such as these could raise wages of existing jobs and create new jobs, thereby reducing bigoted wage gaps. Bhatti and Merritt also note that the availability of free and universal public services—including education, healthcare, housing, childcare, eldercare, transit, utilities, and broadband internet—would reduce bigotry-based exploitation and exclusion.<sup>207</sup> The expansion of Social Security and Medicare to pay more and be available to more people can further address economic precarity across and at the intersections of multiple categories of bigotry.<sup>208</sup> These programs could be funded by progressive taxation of millionaires and billionaires who have profited—and continue to profit—most from racial capitalism and social inequity.<sup>209</sup>

<sup>204</sup>Bhatti and Merritt Contribution at 136.

<sup>205</sup>Lewis and Tabacco Mar Contribution at 182-83.

<sup>206</sup>Bhatti and Merritt Contribution at 136-37; see also Randall Akee, “Sharing the Wealth, Native Science Report,” *Native Science Report*, November 2019, <https://nativesciencereport.org/2019/11/sharing-the-wealth/> (noting that studying tribal per capita programs could inform predictions of a Universal Basic Income program’s impact).

<sup>207</sup>Bhatti and Merritt Contribution at 136.

<sup>208</sup>Bhatti and Merritt Contribution at 136-37.

<sup>209</sup>Bhatti and Merritt Contribution at 137.

## f. Reproductive Justice and Respect for Family Unity

Antibigotry involves repairing harms imposed by family separations and reproductive controls, and promoting respect for family unity and reproductive justice. To start, the U.S. government should bear responsibility for reunifying families that have been torn apart by separations and providing reparations to people who have been harmed by family separations and forced sterilizations. In January of 2022, the Canadian government agreed to a \$31.5 billion settlement that included funding “to fix the nation’s discriminatory child welfare system and compensate the Indigenous people harmed by it.”<sup>210</sup> An antibigotry movement should explore efforts to acknowledge and address the long history of bigoted reproductive and family controls in the U.S., including anti-Indigenous boarding schools, slavery, immigration enforcement mechanisms, and the criminal and child welfare systems.<sup>211</sup>

Antibigotry means standing in solidarity against child welfare policies that separate children from their parents based on bigoted notions of parental fitness, and heteronormative ideas about family. This includes redefining parental fitness in ways that do not punish parents for lack of resources or draw on stereotypes. Federal, state, and local resources should be dedicated to providing families what they need to stay unified, healthy, and safe. This may include guaranteed income payments to families facing poverty; improved access to affordable childcare, housing, and food; and increased support for non-parental kin who can serve as caregivers.<sup>212</sup>

Moreover, family separation should never be used as a means of immigration enforcement or deterrence.<sup>213</sup> Family unity should be prioritized throughout the immigration system, both at the border and in interior civil immigration enforcement actions. This should include protecting parents and caregivers from detention or removal.<sup>214</sup>

<sup>210</sup>Catherine Porter and Vjosa Isai, “Canada Pledges \$31.5 Billion to Settle Fight over Indigenous Child Welfare System,” *N.Y. Times*, January 4, 2022, <https://www.nytimes.com/2022/01/04/world/canada/canada-indigenous-children-settlement.html>.

<sup>211</sup>Dow Contribution at 96 (discussing the need to locate and return the remains of Indigenous children who were murdered in boarding schools); Jonathan Blitzer, “Why Biden Refused to Pay Restitution to Families Separated at the Border,” *New Yorker*, December 22, 2021, <https://www.newyorker.com/news/news-desk/why-biden-refused-to-pay-restitution-to-families-separated-at-the-border> (discussing efforts to seek restitution for families torn apart by the 2018 Zero Tolerance policy).

<sup>212</sup>See, e.g., Krista Thomas and Charlotte Halbert, “Transforming Child Welfare: Prioritizing Prevention, Racial Equity, and Advancing Child and Family Well-Being,” *National Council on Family Relations*, April 5, 2021, 4-5, [https://www.ncfr.org/system/files/2021-04/Transforming\\_Child\\_Welfare\\_Brief\\_w\\_ExSum\\_0421.pdf](https://www.ncfr.org/system/files/2021-04/Transforming_Child_Welfare_Brief_w_ExSum_0421.pdf); Andy Newman, “How \$1,000 a Month in Guaranteed Income Is Helping N.Y.C. Mothers,” *N.Y. Times*, January 18, 2022, <https://www.nytimes.com/2022/01/18/nyregion/guaranteed-income-nyc-bridge-project.html?referringSource=articleShare>.

<sup>213</sup>Erfani and Altman, “Comment, Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families,” 6.

<sup>214</sup>Erfani and Altman, “Comment, Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families,” 16.

Finally, standing against bigotry means abolishing laws that obstruct reproductive freedom, and affirming the basic human right to reproductive autonomy.<sup>215</sup>

### **g. Acknowledgment and Accountability**

Antibigotry involves acknowledgment and memorialization of the many ways that bigotry has produced violence, as well as a broad restructuring of power and resources.

There are powerful examples of efforts to acknowledge and memorialize the long history of racialized violence in the U.S., and an antibigotry movement can build on this foundation to acknowledge all forms of bigotry. The Equal Justice Initiative's (EJI) Memorial for Peace and Justice exemplifies the kinds of historical and narrative projects that can help illuminate how bigotry has manifested through violence, and create space for community dialogue.<sup>216</sup> EJI's memorial "was conceived with the hope of creating a sober, meaningful site where people can gather and reflect on America's history of racial inequality" and includes a Community Remembrance Project, which encourages "communities across the nation to enter an era of truth-telling about racial injustice and their own local histories."<sup>217</sup> These kinds of efforts should be explored across other categories of bigotry as well.

Antibigotry also involves rejecting media representations and symbols that draw on invidious historical stereotypes. For example, we must abolish anti-Indigenous mascots and team names, which not only perpetuate myths of Indigenous erasure, but do so for profit.<sup>218</sup> State legislatures can take action to prohibit the use of bigoted mascots in public schools.<sup>219</sup> Professional sports leagues and franchise owners should also make these changes, and sponsors, financial investors, and fans should boycott teams that use bigoted mascots until they stop. Similar tactics can be employed to reject all bigoted symbols.

Antibigotry also requires accountability for past harms, which includes material compensation. Recent scholarship has highlighted the possibility of "constructive reparations," which call for a redistribution of power and resources in a way that takes into account the harms imposed by colonialism and racial capitalism.<sup>220</sup> The question posed by constructive reparations is, "are we going to build a better world, and if so, who should chip in what?"<sup>221</sup> This may be a helpful orientation for a unified antibigotry movement.

<sup>215</sup>Lewis and Tabacco Mar Contribution at 183 (calling for "making abortion care accessible and affordable for all by ending restrictions on Medicaid funding for abortion, [and] enacting a federal bulwark against state bans on reproductive healthcare"); Greenesmith, Townsend Riley, and De La Cuadra Contribution at 141 ("[A]bortion narratives continue to neglect the reality that queer and trans people also get pregnant and need to access abortion care.").

<sup>216</sup>"Community Remembrance Project, National Memorial for Peace and Justice," *Equal Justice Initiative*, accessed May 4, 2022, <https://museumandmemorial.eji.org/memorial>; "Community Remembrance Project, "Equal Justice Initiative, accessed May 4, 2022, <https://eji.org/projects/community-remembrance-project/>.

<sup>217</sup>"Community Remembrance Project," *Equal Justice Initiative*.

<sup>218</sup>Mays, *Afro-Indigenous History of the United States*, 155 ("Corporations, catering to their largely white audiences, earn money by dehumanizing Indigenous peoples.").

<sup>219</sup>"Mascots-State Activity Tracker," *National Congress of American Indians*, <https://ncai.org/Ending.Indian.Mascots.Initiative.State.Activity.Tracker.pdf> (last updated March 3, 2022).

<sup>220</sup>Olúfémi O. Táíwò, "How to Repair the Planet," interview by William P. Jones, *Dissent*, February 4, 2022, [https://www.dissentmagazine.org/online\\_articles/how-to-repair-the-planet?utm](https://www.dissentmagazine.org/online_articles/how-to-repair-the-planet?utm).

<sup>221</sup>Táíwò, "How to Repair the Planet."

## Conclusion

Through this Antibigotry Convening project, we have explored structural aspects of bigotry, and considered the ways that seemingly unrelated individual expressions of bigotry intersect and interact to perpetuate widespread social inequity. The Antibigotry Fellows' contributions illustrate several common structural manifestations of bigotry, which suggest potential points of solidarity. We hope this report can serve as a resource for advocates, community members, scholars, policymakers and all who seek an equitable world in which we are all safe, healthy, joyful, and free.

# ABLEISM

*Rabia Belt, J.D., Ph.D.*<sup>1</sup>

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What is ableism? According to the dictionary, it is “discrimination or prejudice against individuals with disabilities.”<sup>2</sup> Yet this definition confounds as much as it explains. What is discrimination or prejudice? What is a disability? Scholars and activists who study and challenge ableism recognize that though disability, how it is defined, and who is captured by the term varies in time and place, the through line is about the meaning made of bodily difference. And that some bodily differences – and some people – are valued as less than others.

Here are two definitions that are drawn from community knowledge and provide valuable insights. Lawyer, educator and organizer TL Lewis’s working definition of ableism is:

A system of assigning value to people’s bodies and minds based on societally constructed ideas of normality, productivity, desirability, intelligence, excellence, and fitness. These constructed ideas are deeply rooted in eugenics, anti-Blackness, misogyny, colonialism, imperialism, and capitalism. This systemic oppression leads to people and society determining people’s value based on their culture, age, language, appearance, religion, birth or living place, “health/wellness” and/or their ability to satisfactorily re/produce, “excel” and “behave.” You do not have to be disabled to experience ableism.<sup>3</sup>

Additionally, Sins Invalid, a disability justice based performance collective, defines disability as follows:

We define disability broadly to include people with physical impairments, people who belong to a sensory minority, people with emotional disabilities, people with cognitive challenges, and those with chronic/severe illness. We understand the experience of disability to occur within any and all walks of life, with deeply felt connections to all communities impacted by the medicalization of their bodies, including trans, gender variant and intersex people, and others whose bodies do not conform to our culture(s)’ notions of ‘normal’ or ‘functional.’<sup>4</sup>

These definitions teach us multiple lessons. One is that the concept of disability depends on social context. These definitions reflect the revisions and replacement of the medical model of disability

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<sup>2</sup>“Ableism,” *Merriam-Webster*, accessed April 14, 2022, <https://www.merriam-webster.com/dictionary/ableism>

<sup>3</sup>Talila A. Lewis, “Working Definition of Ableism - January 2022 Update,” *Talila A. Lewis* (blog), January 1, 2022, <https://www.talilalewis.com/blog/working-definition-of-ableism-january-2022-update>.

<sup>4</sup>“Mission and Vision,” Sins Invalid, accessed April 14, 2022, <https://www.sinsinvalid.org/about-us>.

with a socially-grounded model of disability. The medical model foregrounded impairment, or a physically-defined condition. Doctors and other professionals diagnosed impairments, and the aim was to cure or treat them. By contrast, advocates and others developed social models of disability that highlight the social meaning made of impairments. Disabilities can be quite different depending upon context – a person who does not use their legs to move [the impairment] has a very different life depending on whether she can use a wheelchair or other mobility device, if the built environment recognizes wheelchair users, and if she can get and keep jobs, visit friends, have kids, and other aspects of social flourishing. Disability justice advocates and scholars note that what knits together disabled people across different types of impairments is stigma – that society negatively stereotypes their bodily differences.

Advocates such as TL and Sins Invalid also draw our attention to the importance of intersectionality. People can be multiply marginalized by negative values attributed to their bodies due to disability, race, sexuality, or other identity markers. Someone’s identity in one area, such as race, can influence how their behavior is interpreted in another area, such as disability. For example, the behavior of a diabetic Black person in insulin crisis may be interpreted as dangerous because of racial bias.<sup>5</sup> Additionally, injustice in one area can work to produce impairments; for instance, a Black person can be paralyzed due to police violence or poisoned due to lead.

Ableism has a long history in the United States. Disabled people experienced segregated living in institutions, discrimination in the workforce, and rejection in education. The infamous 1927 Supreme Court case, *Buck v. Bell*, granted constitutional approval for the sterilization of people deemed mentally disabled. In the words of Justice Oliver Wendell Holmes, who wrote the majority opinion, “three generations of imbeciles are enough.”<sup>6</sup> Eugenic-based sterilization led to tens of thousands of forcible sterilization procedures for mentally-disabled men and women, incarcerated people, and people of color. The U.S. sterilization program was an inspirational model for similar practices in Nazi Germany.

Though *Buck v. Bell* has not been overturned, the landscape for disability law and activism is quite different now for disabled people. Laws such as the Americans with Disabilities Act, the Individuals with Disabilities Education Act, and the Rehabilitation Act, have ushered disability into the pantheon of U.S. civil rights legislation. Still, challenges remain. Disabled people are still disproportionately unemployed and incarcerated. They may face difficulties forming and maintaining families. They experience discrimination in medical care, education, and public life. And ableism still saturates attitudes towards disabled people. People with disability may experience disgust or terror towards their bodies and themselves; they may face pity; they may be infantilized; they may be slotted as inspirational figures who have “overcome” their disabilities. All of these attitudes serve to reduce disabled people to a stereotype of their bodies and diminish their standing as full-fledged integrated members of American society.

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<sup>5</sup>Law Professor Jamelia Morgan brings such a disability analysis to this fact pattern in *Graham v. Connor*, 90 U.S. 386 (1989), a classic criminal procedure case, and other areas of criminal procedure. See Jamelia Morgan, “Disability’s Fourth Amendment,” *Columbia Law Review* 122, no. 2 (2022).

<sup>6</sup>*Buck v. Bell*, 274 U.S. 200, 207 (1927).

Disability advocates and scholars strive to identify and address the factors that support and maintain ableism. And, they aim to create a society without ableism. This work includes calling for enforcement and funding of existing disability laws; increased support for resources that allow disabled people to live in the world, such as robust medical care and affordable housing; increasing the benefits for disabled people and allowing them to save money; and higher wages and benefits for care workers. It also addresses the overlapping areas of injustice that affect multiply marginalized disabled people, such as ending mass incarceration; incorporating trauma-informed care into areas such as education; supporting environmental justice; and defending reproductive justice.

## Selected Bibliography

- Adams, Rachel, Benjamin Reiss, and David Serlin. 2015. *Keywords for disability studies*.
- Annamma, Subini A. 2018. *The pedagogy of pathologization: disabled girls of color in the school-prison nexus*.
- Asch, Adrienne, *Critical Race Theory, Feminism And Disability: Reflections On Social Justice And Personal Identity*, 62 Ohio St. L.J. 391 (2001).
- Bagenstos, Samuel R. 2009. *Law and the contradictions of the disability rights movement*. New Haven: Yale University Press.
- Bagenstos, Samuel R. *Subordination, Stigma, And "Disability,"* 86 Va. L. Rev. 397 (2000).
- Bagenstos, Samuel R., *The Americans With Disabilities Act As Welfare Reform*, 44 Wm. & Mary L. Rev. 921 (2003).
- Barclay, Jenifer L. 2021. *The mark of slavery: disability, race, and gender in antebellum America*.
- Baynton, Douglas C. 2016. *Defectives in the land: disability and immigration in the age of eugenics*.
- Baynton, Douglas C., "Disability and the Justification of Inequality in American History," in Paul Longmore and Lauri Umansky, eds., *The New Disability History: American Perspectives*, NY Univ. Press, 2001.
- Bell, Christopher M. ed., *Blackness And Disability: Critical Examinations and Cultural Interventions* (2011).
- Belt, Rabia. *Ballots for Bullets?: Disabled Veterans and the Right to Vote*, 69 STAN. L. REV. 435 (2017).
- Belt, Rabia. *Contemporary Voting Rights Controversies Through the Lens of Disability*, 68 STAN. L. REV. 1491 (2016).
- Belt, Rabia. *Disability, Law, and the Humanities: The Rise of Disability Legal Studies* [with Doron Dorfman], OXFORD HANDBOOK OF LAW AND THE HUMANITIES (2019).
- Belt, Rabia. *Mass Institutionalization and Civil Death*, 96 N.Y.U. L. Rev. 857 (October 2021).

- Ben-Moshe, Liat, and Allison C. Carey. 2014. *Disability incarcerated: imprisonment and disability in the United States and Canada*.
- Ben-Moshe, Liat, Rebecca C. Cory, Mia Feldbaum, Ken Sagendorf, eds. 2005. *Building Pedagogical Curb Cuts: Incorporating Disability in the University Classroom and Curriculum*. Available at <https://thechp.syr.edu/wp-content/uploads/2014/11/buildingpedagogicalcurbcuts.pdf>
- Ben-Moshe, Liat. 2020. *Decarcerating Disability*.
- Boster, Dea H. 2013. *African American slavery and disability: bodies, property, and power in the antebellum South, 1800-1860*. New York: Routledge.
- Burch, Susan, and Hannah Joyner. 2007. *Unspeakable: the story of Junius Wilson*. Chapel Hill: University of North Carolina Press.
- Burch, Susan. 2002. *Signs of resistance: American deaf cultural history, 1900 to World War II*. New York: New York University Press.
- Burch, Susan. 2021. *Committed: remembering native kinship in and beyond institutions*.
- Carey, Allison C., Pamela Block, and Richard K. Scotch. 2020. *Allies and obstacles: disability activism and parents of children with disabilities*.
- Clare, Eli, Aurora Levins Morales, and Dean Spade. 2015. *Exile and pride: disability, queerness, and liberation*.
- Clare, Eli. 2017. *Brilliant imperfection: grappling with cure*.
- Colker, Ruth, *Anti-Subordination Above All: A Disability Perspective*, 82 Notre Dame L. Rev. 1415 (2007).
- Colker, Ruth, *Anti-Subordination Above All: Sex, Race, And Equal Protection*, 61 N.Y.U. L. Rev. 1003 (1986).
- Connor, David J., Beth A. Ferri, and Subini A. Annamma. 2016. *DisCrit: disability studies and critical race theory in education*.
- Davis, Lennard J. 2013. *The disability studies reader*.
- Davis, Lennard J. 2015. *Enabling acts: the hidden story of how the Americans with Disabilities Act gave the largest US minority its rights*.
- Day, Ally. 2021. *The Political Economy of Stigma: HIV, Memoir, Medicine, and Crip Positionalities*.
- Dorfman, Doron. *Suspicious Species*, 2021 U. Ill. L. Rev. 1363 (2021).
- Dorfman, Doron. *[Un]Usual Suspects: Deservingness, Scarcity, And Disability Rights*, 10 U.C. Irvine L. Rev. 557 (2020).
- Emens, Elizabeth F., *Disabling Attitudes*, 60 AMER. J. COMPAR. L. 205 (2012).

- Emens, Elizabeth F., Framing Disability, 2012 U. ILL. L. REV. 1383. (2013).
- Emens, Elizabeth F., *Framing Disability*, 2012 U. Ill. L. Rev. 1383
- Erevelles, Nirmala. 2011. *Disability and difference in global contexts: enabling a transformative body politic*. New York: Palgrave Macmillan.
- Ferri, Beth A. & David J. Connor, *Special Education And The Subverting Of Brown*, 8 J. Gender Race & Just. 57, 61, 63 (2004).
- Garland-Thomson, Rosemarie, *Extraordinary Bodies: Figuring Physical Disability In American Culture And Literature* (1997).
- Garland-Thomson, Rosemarie, *Misfits: A Feminist Materialist Disability Concept*, 26 Hypatia 591 (2011).
- Hall, Kim Q. 2011. *Feminist disability studies*. Bloomington: Indiana University Press.
- Harris, Jasmine E. *The Aesthetics of Disability*, 119 Colum. L. Rev. 895 (2020).
- Heyer, Katharina. 2015. *Rights enabled: the disability revolution, from the US, to Germany and Japan, to the United Nations*.
- Hirschmann, Nancy J., and Beth Linker. 2015. *Civil disabilities: citizenship, membership, and belonging*. Philadelphia: University of Pennsylvania Press.
- Kafer, Alison. 2013. *Feminist, queer, crip*.
- Kim, Jina B. 2020. "Disability in an Age of Fascism." *American Quarterly* 72 (1): 265–76.
- Kim, Jina B. 2021. "Crippling the Welfare Queen: The Radical Potential of Disability Politics." *Social Text* 39 (3): 79–101.
- Kim, Jina B., and Sami Schalk. 2021. "Reclaiming the Radical Politics of Self-Care: A Crip-of-Color Critique." *South Atlantic Quarterly* 120 (2): 325–42.
- Linton, Simi. 1998. *Claiming disability: knowledge and identity*. New York: New York University Press.
- Lombardo, Paul A. 2008. *Three generations, no imbeciles: eugenics, the Supreme Court, and Buck v. Bell*. Baltimore: Johns Hopkins University Press.
- Mcurer, Robert & Michael Bérubé, *Crip Theory: Cultural Signs Of Queerness And Disability* (2006).
- Mitchell, David T., and Sharon L. Snyder. 2000. *Narrative prosthesis: disability and the dependencies of discourse*. Ann Arbor: University of Michigan Press.
- Mitchell, David T., and Sharon L. Snyder. 2015. *The biopolitics of disability: neoliberalism,*

*ablenationalism, and peripheral embodiment.*

- Mor, Sagit & Rina B. Pikkell, Disability, Rights, and the Construction of Sexuality in Tort Claims, *Law and Society Review*. Vol. 53 (4) pp. 1016-1050 (2019).
- Mor, Sagit, The Meaning of Injury: A Disability Perspective, in: *Injury and Injustice: The Cultural Politics of Harm and Redress*, pp.27-49 (Anne Bloom, David Engel, and Michael McCann eds., Cambridge University Press) (2018).
- Morgan, Jamelia, Policing Under Disability Law, 73 *Stan. L. Rev.* 1401 (2021).
- Nielsen, Kim E. 2004. *The radical lives of Helen Keller*. New York: New York University Press.
- Nielsen, Kim E. 2012. *A disability history of the United States*. Boston: Beacon Press.
- O’Toole, Corbett J. *Fading Scars: My Queer Disability History*
- Ribet, Beth. Naming Prison Rape As Disablement: A Critical Analysis of the Prison Litigation Reform Act, The Americans With Disabilities Act, And The Imperatives Of Survivor-Oriented Advocacy, 17 *Va. J. Soc. Pol’y & L.* 281 (Winter 2010).
- Ribet, Beth. *Surfacing Disability Through a Critical Race Theoretical Paradigm*, 2 *Geo. J. L. & Mod. Critical Race Persp.* 209, 209 (2010).
- Russell, Marta, and Ravi Malhotra. 2017. *Disability politics in a global economy: essays in honour of Marta Russell*.
- Sami Schalk. 2017. “Critical Disability Studies as Methodology.” *Lateral* 6 (1).
- Samuels, Ellen Jean. 2014. *Fantasies of identification: disability, gender, race*.
- Schalk, Samantha Dawn. 2018. *Bodyminds reimaged: (dis)ability, race, and gender in black women’s speculative fiction*.
- Schalk, Sami, and Jina B. Kim. 2020. “Integrating Race, Transforming Feminist Disability Studies.” *Signs: Journal of Women in Culture & Society* 46 (1): 31–55.
- Schweik, Susan M. 2009. *The ugly laws: disability in public*. New York: New York University.
- Schweik, Susan, *Lomax’s Matrix: Disability, Solidarity, and the Black Power of 504*, 31 *Disability Stud. Q.* (2011).
- Shapiro, Joseph P. 1994. *No pity: people with disabilities forging a new civil rights movement*. New York: Times Books.
- Siebers, Tobin. 2008. *Disability theory*.
- Sins Invalid, Skin, Tooth, And Bone: The Basis Of Movement Is Our People: A Disability Justice Primer (2d Ed. 2019)
- Snyder, Sharon L., and David T. Mitchell. 2006. *Cultural locations of disability*. Chicago: University

of Chicago Press.

- Stein, Michael Ashley, *Same Struggle, Different Difference: ADA Accommodations As Antidiscrimination*, 153 U. Pa. L. Rev. 579 (2004).
- Wendell, Susan. 1996. *The rejected body: feminist philosophical reflections on disability*. New York: Routledge.

# AGEISM

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## Ageism as an Invisible and Pervasive Form of Bigotry

Ageism is one of the most invisible and yet pervasive forms of bigotry. We define ageism as the systematic stereotyping, prejudice, and discrimination against individuals based on their age.<sup>2</sup> Bigotry, in the context of ageism, is the manifestation of a collective ill-will directed at less-privileged groups which systemically manipulates, degrades, and denies the dignity and autonomy of individuals within those groups in order to maintain perpetual dominance over them. There are three key manifestations of ageism as a persistent form of bigotry: cognitive (stereotypes), affective (prejudice), and behavioral (discrimination).

The pervasiveness of ageism has been well documented across multiple national and global studies. The most recent U.S. representative survey indicated that 82 percent of older persons experience ageism on a daily basis.<sup>3</sup> More than two in three older persons are exposed to ageist messages in their day-to-day lives.

Ageism can take place across multiple levels.<sup>4</sup> From a societal level, ageism functions as a social determinant of health that systematically denies the dignity and autonomy of individuals. On an individual level, ageism can manifest in negative beliefs about aging, such that the expectation that older persons are a homogenous group, all asexual, impoverished, unhealthy and incapable of caring for themselves – or conversely that they are a part of the wealthy elite. This connotation erroneously provides a binary view of older persons' abilities: either they are disabled or they are “still young,” with no possibility for middle ground. Additionally, although individuals can become targets of ageism from societal sources due to their age, negative attitudes in aging could also be self-directed as a result of internalized ageism from structural ageist bigotry. Such manifestations include denigrating self-evaluations, including sentiments like “I am so old, and I am useless.”

All forms and levels of ageism have been shown to significantly and inversely impact individuals' health, quality of life, and fundamental human rights.<sup>5</sup> According to a recent global systematic review of ageism of 422 studies and seven million participants in five continents, it was found that the injurious reach of ageism spans across 11 health and well-being domains.<sup>6</sup> In addition to the profound human

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<sup>2</sup>World Health Organization, “Global Campaign To Combat Ageism – Toolkit,” March 18, 2021, <https://www.who.int/publications/m/item/global-campaign-to-combat-ageism-toolkit>.

<sup>3</sup>Julie Ober Allen et al., “Everyday Ageism and Health,” University of Michigan National Poll on Healthy Aging, July 2020, <https://www.healthyagingpoll.org/reports-more/report/everyday-ageism-and-health>.

<sup>4</sup>Karl Pillemer, David Burnes, and Andie MacNeil, “Investigating the Connection Between Ageism and Elder Mistreatment,” *Nature Aging*, no. 1 (Feb. 2021).

<sup>5</sup>Amanda Phelan, “Elder Abuse, Ageism, Human Rights and Citizenship: Implications For Nursing Discourse,” *Nursing Inquiry* 15, no. 4 (May 2008); Todd D. Nelson, “Promoting Healthy Aging By Confronting Ageism,” *Am. Psych.* 71, no. 4 (May-June 2016).

<sup>6</sup>E-Shien Chang et al., “Global Reach of Ageism on Older Persons' Health: A Systematic Review,” *PLOS One*, (January 2020): 1, <https://doi.org/10.1371/journal.pone.0220857>.

and health costs, the financial cost of ageism is extremely hefty: In 2013 in the U.S. alone, ageism in the form of negative age stereotypes and self-perceptions was associated with excess annual costs of \$63 billion for the eight most expensive health conditions.<sup>7</sup> This amounts to \$1 in every \$7 spent on these health conditions. This excess health care spending was derived from incorporating estimates of annual prevalence of ageism, healthcare cost data, and the effect sizes for the impact of ageism on health; the year 2013 was chosen as it was the most recent year for which health care cost data were available.

Similar to other forms of bigotry, ageism has been built into the fabric of contemporary U.S. society. However, ageism is also intricately unique from other forms of bigotry with respect to its wide reach. In contrast to a subset of the population suffering from bigotry based on various forms and anchors of oppression, we are all targets of ageism. The injustice of using age to divide and categorize people must be recognized and acknowledged as a key form of systematic oppression that is evident across national borders and diverse social-cultural contexts.

### Wide Reach of Ageism Across All Age Groups

The impact and wide reach of ageism is clear across all age groups.<sup>8</sup> In one way or another, we are all experiencing ageism and perpetuating it simultaneously. While recognizing the “ageless” nature of this bigotry phenomenon, in this current report, we chose to focus ageism against older persons for the following reasons. First, ageism against older persons is extremely pervasive, and therefore teasing out this unique form of bigotry against older persons can maximize population impact. Second, the consequences of ageism with respect to health and human rights violations are more severe in older persons, relative to younger persons. Third, research on ageism toward younger persons is still in its relatively nascent stage. Therefore, our focus on ageism toward older people can be advantageous to build an evidence base approach toward bigotry. Last, ageism toward older persons is inextricably linked to its downstream, rippling effects that ultimately harm persons across all age groups. For example, initiators of ageism (i.e., bigots of ageism) also suffer from the consequence of ageism, as it limits the opportunities and resources in fostering positive and meaningful intergenerational exchanges. In short, we recognize ageism toward younger people is an extremely important and relevant issue and therefore deserves more attention as we move the field forward.

### Ageism Increasingly Negative and Injurious Over Time

Compelling evidence has shown that ageism has become worse and damaging over time. Although the term “ageism” was officially coined in 1969 by the geriatrician Dr. Robert Butler,<sup>9</sup> throughout human history there has been categorization of groups based on age. However, in those early primitive societies, including colonial America, older age was often valued favorably.<sup>10</sup> Older persons were seen as providers of wisdom, knowledge, and guidance. As the number of older persons increased, especially

<sup>7</sup>Becca R. Levy et al., “Ageism Amplifies Cost and Prevalence of Health Conditions,” *Gerontologist* 60, no. 1 (Feb. 2020): 178, <https://doi.org/10.1093/geront/gny131>.

<sup>8</sup>Vania de la Fuente-Núñez et al., “Scoping Review on Ageism Against Younger Populations,” *Int. J. Environ. Res. & Pub. Health* 18, no. 8 (Apr. 2021): 1, <https://doi.org/10.3390/ijerph18083988>.

<sup>9</sup>Robert N. Butler, “Age-ism: Another Form of Bigotry,” *Gerontologist* 9, no. 4 (Dec. 1969): 243.

<sup>10</sup>The Anti-Ageism Taskforce at The International Longevity Center, *Ageism in America* (2006), 1, [https://aging.columbia.edu/sites/default/files/Ageism\\_in\\_America.pdf](https://aging.columbia.edu/sites/default/files/Ageism_in_America.pdf).

the proportion of those who experienced frailty and cognitive impairment, the negative perception regarding older adults as a burden to society also increased. A recent computational linguistic study examined synonyms of elderly over the last 200 years by compiling a database of American English including over 400 million words. In this study, researchers found that age stereotypes have become increasingly negative over two centuries. As early as the 1880s, age stereotypes switched from being positive to being negative.<sup>11</sup> This phenomenon was in part due to the historic and economic contexts. Modernization of medicine further exacerbated the negativity of images and stereotypes related to aging.

This increasing negativity was further perpetuated and exacerbated by media portrayals, popular culture representations, and marketing industries.<sup>12</sup> For instance, researchers in visual representation of aging have found that the representations of older adults have gotten progressively worse since the 1950s. This trend was drastically reduced in the early 2000s only because some older adults were being represented as models of successful aging by appearing ‘younger’ and wrinkle-free in their looks and actions.<sup>13</sup>

### Ageism Operates Across Multiple Reinforcing Points

Ageism operates across multiple levels of impact: the structural level (i.e., in which societal institutions reinforce systematic bias against older persons), dyadic level (i.e., seeping through day-to-day social interactions), and the individual level (i.e., the effect of older persons’ views of aging on their health). The multiple socio-ecological levels in which ageism operates are inextricably linked, because disparaging views of aging that are shown by word and deed at the structural level are further assimilated in interpersonal interactions, and subsequently internalized at the individual level.<sup>14</sup>

All of these levels of ageism interact and reinforce each other. To illustrate, in the context of employment, older workers are more likely to be discriminated against and excluded from corporate promotions and training opportunities. On an interpersonal level, older workers may experience toxic, ageist commentaries on a day-to-day basis. On an individual level, workers who assimilate negative age stereotypes from society are likely to erroneously perceive their abilities as inferior to that of younger co-workers. This internalized misconception can lead to potential withdrawal or lack of initiative for work engagements. This, in turn, can compound encounters with workforce structural ageism. Individuals ultimately are left with no resources to cope with the ill-effects of structural ageism.

### Structural Ageism: Explicit and Implicit Policies and Practices that Perpetuate Ageism

At the structural level, ageism operates in the form of discriminatory social policies and prejudicial norms against older persons propagated by societal institutions. Structural ageism can also include age-based biases of individuals who are part of these larger societal institutions, such as policy makers

<sup>11</sup>Reuben Ng et al., “Increasing Negativity of Age Stereotypes Across 200 Years: Evidence From a Database of 400 Million Words,” *PLOS One*, (Feb. 2015), <https://doi.org/10.1371/journal.pone.0117086>.

<sup>12</sup>Becca R. Levy, “Age-Stereotype Paradox: Opportunity for Social Change,” *Gerontologist* 57, issue suppl. 2 (June 2017), <https://doi.org/10.1093/geront/gnx059>.

<sup>13</sup>Eugene Loos and Loredana Ivan, “Visual Ageism in the Media” in *Contemporary Perspectives on Ageism* (New York: Springer, 2018), 172.

<sup>14</sup>Becca Levy, “Stereotype Embodiment: A Psychosocial Approach to Aging,” *Current Directions in Psych. Sci.* 18, no. 6 (Dec. 2009): 335, <https://doi.org/10.1111/j.1467-8721.2009.01662.x>.

or health care providers.<sup>15</sup> The injurious health effects of structural ageism have been shown to exist across country borders and time.<sup>16</sup>

Structural ageism in the form of discriminatory social policies can refer to the macro-level policies and practices that discriminate against or restrict resources and opportunities for older persons. For example, a commonly used matrix to evaluate population age ratio across countries (i.e., the proportion of older people relative to that of younger-age population), is the “dependency ratio.” This derogatory term assumes individuals sixty-five and over can no longer contribute to the economy, suggesting they are as dependent as young children. This baseless assumption causes an expectation for older adults to retire around this age, even if they are completely capable of continuing their job. This expectation may lead to individuals retiring before they are actually ready to do so, perpetuating the idea that individuals over a certain age do not contribute to the economy.

There are multiple pathways in which structural ageism can have a profound impact on our lives. A direct pathway may be that policy and practice directly impacts older persons’ lives and quality-of-life issues by unjustifiable exclusion, and by creating a hostile and invalidating social environment where older persons are deprived of their core humanness. Another potential psychological pathway may be that ageism operating at the structural level could trickle down to shape individuals’ negative age beliefs, which in turn affect health, behavioral, and quality of life outcomes.<sup>17</sup> Additionally, it is also plausible that in social contexts that denigrate a specific outgroup, individuals would be more acceptive of the behaviors toward that group. Last, considering structural ageism embodies a sociopolitical climate that disempowers older persons, the embedded hierarchical power relations would render powerless older persons with maladaptive coping mechanisms and fewer resources to protect themselves from unfair treatment.

### Interpersonal ageism

Interpersonal ageism refers to the ways in which ageism seeps through social interactions to impact relationships and day-to-day interactions. To illustrate, interpersonal ageism can include the use of age to devalue someone, to denigrate their dignity or capacity, or to patronize them. Interpersonal ageism occurs commonly in our communication and interactions with one another. Interpersonal ageism is shown to be common; almost half of older persons (45%) experience ageism in interpersonal interactions.<sup>18</sup> Focusing on the interpersonal form of ageism is important as it can offer promising opportunities for prevention strategies. However, currently we still lack standardized and systematic measures to evaluate the pervasiveness and impact of this form of dyadic ageism. This should be an important next step for research and practice.

<sup>15</sup>E-Shien Chang et al., “Global Reach of Ageism on Older Persons’ Health: A Systematic Review,” *PLOS One* 15, no. 1 (Jan. 2020), <https://doi.org/10.1371/journal.pone.0220857>; Becca R. Levy, “The Role of Structural Ageism in Age Beliefs and Health of Older Persons,” *JAMA Network Open* 5, no. 2 (Feb. 2022).

<sup>16</sup>E-Shien Chang et al., “Global Reach of Ageism on Older Persons’ Health: A Systematic Review,” *PLOS One* 15, no.1 (Jan. 2020), <https://doi.org/10.1371/journal.pone.0220857>; E-Shien Chang et al., “Impact of Structural Ageism on Greater Violence Against Older Persons: A Cross-National Study of 56 Countries,” *BMJ Open* 11, no. 5 (2021): 2, <http://dx.doi.org/10.1136/bmjopen-2020-042580>.

<sup>17</sup>E-Shien Chang et al., “Structural and Individual Ageism Predicts Elder Abuse Proclivity and Perpetration,” *Europe PMC* 5, supp. 1 (Jan. 2021): 89.

<sup>18</sup>Julie Ober Allen et al., “Everyday Ageism and Health,” University of Michigan National Poll on Healthy Aging, July 2020, <https://www.healthypoll.org/reports-more/report/everyday-ageism-and-health>.

## Individual ageism

At the individual level, ageism can manifest in culture-based negative age stereotypes (i.e., beliefs about older people in general) or negative self-perceptions of aging (i.e., beliefs held by older persons about their own aging). The clear link between individual ageism and health has been documented in at least six meta-analyses and systematic reviews.<sup>19</sup> It is critically important to note that ageism operating at the individual level appeared to be a direct product of the structural form of ageism operating at the societal level.<sup>20</sup> Therefore, ways to combat cultural- and social-based ageism would require structural responses and strategies.

Another mechanism in which ageism can operate is through implicit channels.<sup>21</sup> That is, individuals who hold ageist thoughts may do so without being aware of these thoughts.<sup>22</sup> The mechanism between implicit ageism and individuals' health and quality of life issues can be seen as a parallel manifestation of implicit racism. Ageism that operates on an unconscious level has been shown to affect older persons' health, functioning levels, and quality of life. Conversely, this mechanism can also represent opportunities for change. Indeed, endorsing implicit beliefs about positive aging can help promote equal treatment. A series of experimental studies have shown that older persons' health and behaviors can be improved through the priming of implicit age stereotypes.<sup>23</sup>

## Harmful Impacts of Ageism on Older Persons' Health, Well-being, and Human Rights

Ageism interacts with almost every domain of life. For purposes of this report, we list ten major ways in which ageism significantly impedes the human rights and quality of life of older persons. Based on the conversation group transcripts, we also weave in narratives from older persons themselves where appropriate, in order to demonstrate the lived experiences of those who are impacted the most.

<sup>19</sup>E-Shien Chang et al., "Global Reach of Ageism on Older Persons' Health: A Systematic Review," *PLOS One*, (Jan. 2020), <https://doi.org/10.1371/journal.pone.0220857>; Becca R. Levy et al., "Ageism Amplifies Cost and Prevalence of Health Conditions," *Gerontologist* 60, no. 1 (Feb. 2020); Brad A. Meisner, "A Meta-Analysis of Positive and Negative Age Stereotype Priming Effects on Behavior Among older Adults," *J. Gerontology*, 67, no. 1 (Jan. 2012), <https://doi.org/10.1093/geronb/gbr062>; Gerben J. Westerhof et al., "The Influence of Subjective Aging on Health and Longevity: a Meta-Analysis of Longitudinal Data," *Psych. & Aging* 29, no. 4 (Dec. 2014); Ruth A. Lamont, Hannah J. Swift, and Dominic Abrams, "A Review and Meta-Analysis of Age-Based Stereotype Threat: Negative Stereotypes, Not Facts, Do the Damage," *Psych. & Aging* 30, no. 1 (Mar. 2015), <https://psycnet.apa.org/doi/10.1037/pag0000269>; Sean Horton et al., "On the Malleability of Performance-Implications for Seniors," *J. of Applied Gerontology* 27, no. 4 (Aug. 2008), <https://doi.org/10.1177/0733464808315291>.

<sup>20</sup>E-Shien Chang et al., "Structural and Individual Ageism Predicts Elder Abuse Proclivity and Perpetration," *Innovation Aging* 5, supp. 1 (Dec. 2021): 89.

<sup>21</sup>Becca R. Levy and Mahzarin R. Banaji, "Implicit Ageism" in *Ageism: Stereotyping and Prejudice Against Older Persons*, eds. Becca R. Levy, Mahzarin R. Banaji M (Cambridge, MA: The MIT Press, 2002).

<sup>22</sup>E-Shien Chang et al., "Implicit and Explicit Dehumanization of Older Family Members: Novel Determinants of Elder Abuse Proclivity," *Innovation in Aging* 5, supp. 1 (2022), <https://doi.org/10.1037/sah0000370>.

<sup>23</sup>Becca R. Levy et al., "Subliminal Strengthening: Improving Older Individuals' Physical Function Over Time With an Implicit-Age-Stereotype Intervention," *Psych. Sci.* 25, no. 12 (Dec. 2014): 2133, <https://doi.org/10.1177/0956797614551970>; Becca R. Levy and Erica Leifheit-Limson, "The Stereotype-Matching Effect: Greater Influence on Functioning When Age Stereotypes Correspond to Outcomes," *Psych. & Aging* 24, no. 1 (Aug. 2009), <https://doi.org/10.1037/a0014563>.

## 1. Poor health and well-being outcomes

The wide reach of ageism is seen across multiple health and wellbeing domains. These well-researched areas of impact include mental health, physical health, cognitive health, and social relationships. For example, a seminal study on the robust linkage between ageism and health showed that ageism is associated with earlier death by 7.5 years.<sup>24</sup> Ageism is also linked with risky health behaviors, such as unhealthy diet, medication noncompliance, excessive drinking, and smoking. Researchers postulate that ageism deleteriously affects the health of older persons through psychological, behavioral, and physical pathways.<sup>25</sup> For example, ageism can be linked to adverse health outcomes through decreased purpose of life (psychological pathway), decreased engagement in health-promoting activities (behavioral pathway), or increased stress biomarker of inflammation (physiological pathway).

## 2. Denial of access to healthcare

*“He (participant’s aging father) had pain for a long time in his legs. The doctor said, ‘Well, what do you expect (...)!’” – Participant 28 from conversation group.*

*“I’m 73 years old. Don’t call me ‘young lady,’ that is so patronizing. Or ‘honey’ or ‘sweetie.’ How dare you, you don’t know me like that.” – Participant 35 from conversation group.*

Denial of access to healthcare and treatment is among the most researched aspects of ageism. It has been found that age can dictate who receives certain procedures or treatment in oncology, cardiology, psychiatry, critical care, internal medicine, rheumatology, radiology, neurology, sexual and reproductive health, and internal medicine.<sup>26</sup> Older persons in health care are often perceived as powerless and voiceless. Elderspeak, the infantilization of older persons through speech, or healthcare professionals ignoring older persons and only speaking to those accompanying them, are two examples of everyday ageism that are prevalent in these fields. This further points to the need to understand structural sources of ageism, including attitudes of health care professionals as they resemble part of the existing hierarchical power structure.

## 3. Denial of participation in research

The systematic denial of participation in research of older persons creates an intrinsic paradox, considering that older persons are the largest group of healthcare consumers, and yet they are excluded from most health research. Older persons are shown to be excluded from trials of treatments, including in oncology, cardiology, neurology, rheumatology, psychiatry, nephrology, urology, health-risk behavior, and internal medicine.<sup>27</sup>

<sup>24</sup>Becca R. Levy et al., “Longevity Increased By Positive Self-Perceptions of Aging,” *J. Pers. Soc. Psych.* 83, no. 2 (Aug. 2002).

<sup>25</sup>Becca Levy, “Stereotype Embodiment: A Psychosocial Approach to Aging,” *Current Directions in Psych. Sci.* 18, no. 6 (Dec. 2009): 334, <https://doi.org/10.1111/j.1467-8721.2009.01662.x>.

<sup>26</sup>E-Shien Chang et al., “Global Reach of Ageism on Older Persons’ Health: A Systematic Review,” *PLOS One*, (Jan. 2020), <https://doi.org/10.1371/journal.pone.0220857>.

<sup>27</sup>E-Shien Chang et al., “Global Reach of Ageism on Older Persons’ Health: A Systematic Review,” *PLOS One*, (Jan. 2020), <https://doi.org/10.1371/journal.pone.0220857>.

#### 4. Lack of work opportunities

Older persons faced ageism throughout all the employment-cycle stages. Overall, the AARP notes about two-thirds of today's workers aged 45 to 74 have experienced age discrimination in the workplace.<sup>28</sup> In previous systematic reviews on ageism in the workforce, it was found that 90.9 % of the 22 associations surveyed revealed that employers were significantly less likely to hire older job applicants than younger job applicants. Once employed, older workers had less access to training (78.6%) and those who faced ageism in the workplace were more likely to retire early (61.5%).<sup>29</sup>

#### 5. Exclusion from technology

*"I think people will assume because you're not a digital native that you're not able to write it or you don't know it, or you can't understand it, or have good ideas about it." - Participant 33 from conversation group.*

Ageism in technology has been considered one of the most rampant forms of bias in industry.<sup>30</sup> Technology has been perceived as youth-driven in terms of its ideas, developments, and creation. The updates of technological tools are also said to have a generational divide, creating the false image that older persons are less likely, or less willing, to adapt to new advantageous technological tools. Yet, this falsified image conflicts with research findings. In fact, older persons are just as likely to use digital technology and social media as their younger peers.<sup>31</sup> The exclusion of older persons in the research and design of technology at the structural level is fundamentally the culprit of this assumed digital divide.<sup>32</sup>

#### 6. Targets of interpersonal violence

An emerging line of research has begun to address the downstream effects of ageism: interpersonal violence. In a cross-national study, ageism that operates at the structural level was found to be associated

<sup>28</sup>AARP public Policy Institute, "Workplace age discrimination still flourishes in America," Dec. 30, 2019, <https://www.aarp.org/work/working-at-50-plus/info-2019/age-discrimination-in-america.html>.

<sup>29</sup>E-Shien Chang et al., "Global Reach of Ageism on Older Persons' Health: A Systematic Review," *PLOS One*, (Jan. 2020), <https://doi.org/10.1371/journal.pone.0220857>.

<sup>30</sup>Carol C. McDonough, "The Effect of Ageism on the Digital Divide Among Older Adults," *J. Gerontology. & Geriatric. Med.* 2, no. 008 (Feb. 2016): 1.

<sup>31</sup>H. Köttl, and I. Mannheim, "Ageism & Digital Technology: Policy Measures to Address Ageism as a Barrier to Adoption and Use of Digital Technology," *EuroAgeism* (2021), <https://research.tilburguniversity.edu/en/publications/ageism-amp-digital-technology-policy-measures-to-address-ageism-a>.

<sup>32</sup>Sara Czaja, "Usability of Technology for Older Adults: Where Are We and Where Do We Need to Be," *Journal of Usability Studies* 54, no. 2 (Feb. 2019): 61-64, <https://uxpajournal.org/usability-technology-older-adults/>

with higher prevalence of violence toward older persons.<sup>33</sup> Another study based on family caregivers of older persons found that explicit and implicit individual ageism was associated with higher proclivity to perpetrate elder abuse.<sup>34</sup> Specifically, supported by theoretical frameworks of ageism,<sup>35</sup> researchers have found that the mechanism behind structural ageism fueling higher proclivity to perpetrate violence toward older persons was via stronger endorsement of individual ageism.<sup>36</sup>

## 7. Prejudicial treatment in housing opportunities

*“In my opinion . . . nursing home care is based on a very ageist assumption that we should just put people away and not have to see them.” - Participant 33 from conversation group.*

Equal rights in finding affordable and accessible housing are protected under the Fair Housing Act, 42 U.S.C. §§ 3601–3619, which forbids discrimination based on race and ethnicity, religion, familial status, or age. However, older adults continue to face barriers in securing their rights, considering the rampant age and ability segregation when it comes to housing and community services.<sup>37</sup> They may be forced to leave their homes in the context of rapid urbanization or social disruptions due to the lack of access to care in their homes. The age-segregated arrangement based on older persons’ needs and levels of care, including long term care settings, is further removed from the idea that promotes “aging in place.”

## 8. Financial Exploitation

*(Describing a financial scam) “She got a call from somebody claiming to be her grandson and he used the name in the family he had looked up on Facebook and so he knew the names (. . .).” - Participant 28 from conversation group.*

Older workers are more frequently targeted as potential victims of financial scams, relative to their younger counterparts.<sup>38</sup> This is because fraudsters are targeting the negative stereotypical image of older persons, as lonely, likely more trusting, and with more money sitting in their accounts than younger individuals. This negative stereotype also includes the projection that many older persons may suffer from cognitive impairment, and this medical condition may cloud their judgment and decision-making capacity. Instead of treating this condition, initiators of ageism decide to exploit it. It is estimated that older persons lose more than \$3 billion per year to scammers and fraudsters.<sup>39</sup>

<sup>33</sup>E-Shien Chang, et al., “Impact of Structural Ageism on Greater Violence Against Older Persons: A Cross-National Study of 56 Countries,” *BMJ Open* 11, no. 5 (2021): 2, <http://dx.doi.org/10.1136/bmjopen-2020-042580>.

<sup>34</sup>E-Shien Chang et al., “Implicit and Explicit Dehumanization of Older Family Members: Novel Determinants of Elder Abuse Proclivity,” *Innovation in Aging* 5, supp. 1 (2022).

<sup>35</sup>Becca Levy, “Stereotype Embodiment: A Psychosocial Approach to Aging,” *Current Directions in Psych. Sci.* 18, no. 6 (Dec. 2009), <https://doi.org/10.1111/j.1467-8721.2009.01662.x>.

<sup>36</sup>E-Shien Chang et al., “Structural and Individual Ageism Predicts Elder Abuse Proclivity and Perpetration,” *Europe PMC* 5, supp. 1 (Jan. 2021): 89.

<sup>37</sup>B. Deusdad, “Ageism in Housing: Challenges For Ageing in Place. The Case of the City of Tarragona (Spain),” *Innovation in Aging* 1, supp. 1 (July 2017): 13.

<sup>38</sup>David Burnes et al., “Prevalence of Financial Fraud and Scams Among Older Adults in the United States: A Systematic Review and Meta-Analysis,” *Am. J. Pub. Health* 107, no. 8 (Aug. 2017): e13, <https://doi.org/10.2105/AJPH.2017.303821>.

<sup>39</sup>MetLife Mature Market Institute, “Broken Trust: Elders, Family, and Finances,” (2009) <https://www.giaging.org/documents/mmi-study-broken-trust-elders-family-finances.pdf>.

## 9. Unfair media portrayals

*“Well, you know what happens, sometimes, is that some old people are the super seniors or they're the unicorns. And then, sometimes the older people are fetishized: “oh isn't she cute?” – Participant 35 from conversation group.*

In the entertainment industry, films and TV programming frequently exclude older persons or present them in demeaning roles. There is a sharp contrast between the representation of older persons on prime-time TV relative to the aging population in the community. This represents another key structural problem: most of the screenwriters of movies or TV are white men under the age of 40.<sup>40</sup> This phenomenon further applies to the entire team of modern culture makers: directors, producers, agents, and actors all embody and perpetuate a youth-oriented stereotype.<sup>41</sup> While we continue to appreciate the significance of the “#OscarsSoWhite” hashtag that began to transform the entire industry, we know of no social movements in similar scale that combats the insidious ageism in popular culture.

## 10. Baseless youth-oriented marketing schemes

*“One of the marketing brochures is of different ages they treat. Children...adolescents, adults and older adults. And older adults...starts at age 55 and they actually showed them hunched over with a cane, like a caricature.” – Participant 28 from conversation group.*

As a youth-oriented industry, the anti-aging and beauty industry is arguably one of the most persistent disseminators of ageism. In order to encourage potential consumers, marketers promote the fear of aging through negative age beliefs. These businesses that promote anti-aging continue to reinforce and perpetuate the idea that beauty is not in the eye of the beholder. Rather, beauty is synonymous with youth. The marketplace behind this myth is vast and extremely profitable. Market surveys have shown that the anti-aging industry profited by more than \$400 billion in 2021.<sup>42</sup> This is an increase of over 900% in profits in comparison to \$40 billion gross in products and services roughly two decades ago. Anti-wrinkle products have continued to enjoy high sales over the last decades, in part because many celebrities or influencers, representing at the core a hierarchical power imbalance between the “old” and the “young,” openly advocate for the use of botox or other anti-aging aesthetics, which in turn promote the use of these products.

<sup>40</sup>The Anti-Ageism Taskforce at The International Longevity Center, *Ageism in America* (2006), 12, [https://aging.columbia.edu/sites/default/files/Ageism\\_in\\_America.pdf](https://aging.columbia.edu/sites/default/files/Ageism_in_America.pdf).

<sup>41</sup>“Here Is What We Found Out About Ageism in Hollywood,” *Creative Screenwriting*, March 4, 2019, <https://www.creativescreenwriting.com/heres-what-we-found-out-about-ageism-in-hollywood/>.

<sup>42</sup>“Anti-aging market revenue worth \$421.4 billion by 2030,” *Cision PR Newswire*, March 15, 2021, <https://www.prnewswire.com/news-releases/anti-aging-market-revenue-worth-421-4-billion-by-2030-ps-intelligence-301247104.html>.

## Rampant Ageism During and Beyond COVID-19 Pandemic

This report is particularly timely during the ongoing COVID-19 pandemic. Extensive research has shown that older persons' well-being has been gravely compromised during the pandemic, as they experience increased exposures to wide-spread ageism, social isolation with potential abuse perpetrators, and reduced options and opportunities for support.<sup>43</sup> Considering that the health and social consequences of COVID-19 will continue to undergird the ways we live, age, and interact with others, augmenting interventions to promote positive and diverse images of aging to circumvent ageism may be particularly critical both during and beyond the evolving COVID-19 crisis.

## Addressing Ageism through a Much-Needed Intersectional Lens

In line with intersectional research,<sup>44</sup> there is an urgent need to better understand how intersecting systems of power may reinforce ageism directed at marginalized groups within older populations. Ageism intersects with and diverges from other categories of bigotry in innumerable ways. Aging, and the nature of time, interacts with every identity in unique and often confusing ways. Ableism and ageism often work side by side, making it difficult to distinguish between the two. For instance, one common ageist stereotype is that older people are slow, and the act of brushing past a slow-moving older person in a huff and calling them an “old fart” is indeed ageist. Yet what caused the irritation in the first place had to do with the slow person's ability, not their age, so the irritated person is also being ableist.

At the structural level, it is important to note that multiple forms of bigotry and discrimination likely coincide and aggravate its impact. For example, a recent cross-national study on structural ageism found that countries reporting high levels of structural ageism also coincided with those that reported greater structural inequality in other realms of bigotry.<sup>45</sup> This emerging line of research provides compelling evidence to suggest that analyses that only focus on one single form of bigotry are likely insufficient to understand population-level impact of systematic oppression. Structural systems of oppression are mutually manifested to reinforce health inequalities. This phenomenon necessitates the integration of an intersectional investigation in order to devise and implement much needed multi-systemic and multifaceted prevention and intervention strategies. As structural systems of oppression converge to reinforce health inequalities, integrating an intersectional and multi-level stigma framework into future research will also help align collective societal resources to those with the greatest needs.<sup>46</sup>

<sup>43</sup>Liat Ayalon et al., “Aging in Times of the COVID-19 Pandemic: Avoiding Ageism and Fostering Intergenerational Solidarity,” *J. Gerontology B. Psych. Sci. Soc. Sci.* 76, no. 2 (Jan. 2021), <https://doi.org/10.1093/geronb/gbaa051>; S. Duke Han and Laura Mosqueda, “Elder Abuse in the COVID-19 Era,” *J. Am. Geriatric Soc.* 68, No. 7 (July 2020), <https://doi.org/10.1111/jgs.16496>.

<sup>44</sup>Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *U. of Chicago Legal F.* 1989, no. 8 (1989).

<sup>45</sup>E-Shien Chang et al., “Impact of Structural Ageism on Greater Violence Against Older Persons: A Cross-National Study of 56 Countries,” *BMJ Open* 11, no. 5 (2021) <http://dx.doi.org/10.1136/bmjopen-2020-042580>.

<sup>46</sup>Lisa Bowleg, “The Problem with the Phrase Women and Minorities: Intersectionality—An Important Theoretical Framework for Public Health,” *Am. J. Pub. Health* 102, no. 7 (July 2012), <https://doi.org/10.2105/AJPH.2012.300750>.

To maximize impact, there is a dire need to examine ageism through an intersectional lens. For example, gendered ageism, or the specific way ageism interacts with sexism, creates a double jeopardy for older women while uplifting the ideal older man. The unrealistic and sexist beauty standards expected of young women are also expected of older women, even though they are impossible at any age. Denying the wrinkles many aging bodies experience in order to maintain a certain appearance is as ageist as it is sexist. It is known that structural-level as well as individual-level gender-based stigma places women at higher risks for disparities.<sup>47</sup> However, whether and to what extent ageism and gender-based stigma may interact to disproportionately place older women at greater risk for health disparities is not clear, and we need more research and advocacy around these issues.

Another example for intersectional illustration is the potential cross-fertilization of ageism and classism. In our colleagues' contribution on classism, they call for an expansion on Social Security and Medicaid, and add as a caveat "we should address the fact that many Black people never live to 65 so never benefit from these programs."<sup>48</sup> Indeed, aging itself is a privilege denied to many due to lack of resources. This truth is too often ignored in discussions around ageism. In fact, there is a habit of calling ageism "the last acceptable prejudice." Those who use this framing are desperately trying to bring attention to ageism to make meaningful change. But in attempting to acknowledge the wide-spread harms of ageism in its many forms, this singles it out, rather than recognizes, the ways age intersects with other forms of oppression to produce great personal and social harm. The argument against ageism is strong enough—it doesn't need to be compared to other forms of bigotry. And yet it cannot be dismantled without dismantling all forms of bigotry.

Centering the issue of ageism and ageism alone will run the risk of perpetuating white supremacy, heteronormativity, capitalism, and colonialism. Without an intersectional approach, the fight against ageism could easily become a lopsided cause for privileged and fortunate individuals who live long. Demanding age justice while denying or ignoring justice for all will run the risk of appropriating other social justice movements.

## **Structural Bigotry Requires Structural Responses: Solutions to Dismantle Ageism**

Despite the grave impact of ageism as a deep-rooted form of bigotry, recent emerging research has shown that ageism can likely be modified. A systematic review of ageism interventions suggested that education, as well as efforts to enhance greater, higher-quality intergenerational contact, may serve as a promising basis for ageism intervention.<sup>49</sup> To dismantle ageism, we offer some potential structural responses below that can work in concert with other parallel strategies to combat bigotry.

<sup>47</sup>Jillian R. Scheer, John E. Pachankis, and Richard Bränström, "Gender-based Structural Stigma and Intimate Partner Violence Across 28 Countries: A Population-based Study of Women Across Sexual Orientation, Immigration Status, and Socioeconomic Status," *J. Interpersonal Violence*, (Dec. 2020), <https://pubmed.ncbi.nlm.nih.gov/33302766/>; World Health Organization, "Changing Cultural and Social Norms Supportive of Violent Behavior," (Geneva, Switzerland, 2009), <https://apps.who.int/iris/handle/10665/44147>.

<sup>48</sup>Merritt and Bhatti Contribution at 137.

<sup>49</sup>David Burnes et al., "Interventions to Reduce Ageism Against Older Adults: A Systematic Review and Meta-Analysis," *Am. J. Pub. Health* 109, no. 8 (July 2019): e1. <https://doi.org/10.2105/AJPH.2019.305123>.

First, the most effective way to diminish the negativity and impact of ageism will be through structural channels.<sup>50</sup> At the structural level, law and policy present unique opportunities to catalyze a paradigm shift, as prior existing approaches for combating ageism are mostly tailored toward individual ecology. Such a structural approach may focus on reducing ageism through improving political-legal, economic, as well as intergenerational support for older persons. Policies and laws which use age restrictions in place of more accurate limitations must be heavily scrutinized to uncover who the restrictions actually serve.

Second, in educational sectors, efforts may include revealing the contributions of all individuals across age groups, by providing accurate representations of older individuals, and encouraging empathy building for all age groups. Critical participatory action research is a helpful tool for accurate and relevant research.

Third, other top-down approaches by public health practitioners, advocates, and policy makers should include broad societal-based campaigns. These may include increasing diverse representation of aging through media portrayals and campaigns that promote visibility of heterogeneity.<sup>51</sup> These campaigns may also include consensus conferences or working group campaigns, such as our current antibigotry convening efforts.

Last, another possible mechanism may be through the increase of greater and higher-quality intergroup contact between older and younger persons. Interventions must start young, and awareness must increase for everyone. Research has shown that positive contacts between members of different age groups can lead to more favorable intergroup attitudes and relations.<sup>52</sup> These positive interactions may be fostered in social settings, including age-diverse workplaces, religious congregations, or social media communities.

In conclusion, to promote equity among all individuals, this report highlights the importance of extending the work on dismantling ageism to understanding and combating other avenues of structural bigotry. Older persons have a voice, and we must honor it.

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<sup>50</sup>Becca R. Levy, "The Role of Structural Ageism in Age Beliefs and Health of Older Persons," *JAMA Network Open* 5, no. 2 (Feb. 2022): 1.

<sup>51</sup>Alana Officer and Vania de la Fuente-Nunez, "A Global Campaign to Combat Ageism," *Bull. of the World Health Org.* 96, no. 4 (2018); World Health Organization, "Elder Abuse Fact Sheet" (Geneva: World Health Organization, 2020), <https://www.who.int/news-room/fact-sheets/detail/elder-abuse>.

<sup>52</sup>David Burnes et al., "Interventions to Reduce Ageism Against Older Adults: A Systematic Review and Meta-Analysis," *Am. J. Pub. Health* 109, no. 8 (July 2019), <https://doi.org/10.2105/AJPH.2019.305123>.

# ANTI-ASIAN AMERICAN RACISM

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## Defining Anti-Asian American Racism

Asian Americans have suffered from racism ever since arriving in the United States over 200 years ago, including through harassment, violence, and discrimination. Racism is perpetrated by individual actors, businesses, and institutions, as well as public policies and government actions on the local, state, and federal levels. Racism targeting those of Asian descent draws from other forms of bigotry, such as xenophobia, nativism, linguicism, fetishization, and objectification. Anti-Asian American racism is not only borne of, but also perpetuated by the “mutual reinforcement”<sup>2</sup> between public policy and cultural ideas.

Anti-Asian American racism, like other forms of bigotry, is sometimes used to justify bigotry against other people of color and pit minorities against one another.<sup>3</sup> Its impacts vary as widely as the cultural backgrounds among Asian Americans, and it hinges on foreign relations of the U.S. with countries across Asia, often those perceived as the motherland of the victims bearing the brunt of racism.

Too often, racism against—or perpetuated by—Asian Americans is viewed through individual narratives. In this paper, we explore anti-Asian American racism as a form of structural bigotry: the promotion, creation, implementation, and perpetuation of laws, policies, practices, narratives, norms, and state and institutional actions that: (1) deny the value, dignity, liberties, and opportunities of people based on their perceived membership in a social or socially-constructed group or on a human characteristic that has historically been subjected to oppression and subordination; and (2) drive and are driven by expressions of animus, including shared symbolism and hateful vocabulary, verbal and physical assaults including hate crimes, and exclusion which serves to entrench power in privileged insiders.

Racism, then, is a form of bigotry that maligns, vilifies, or “denies the value, dignity, liberties, and opportunities of people based on their” race and its attributes. Though the concept of racism—like the term “racist”—has evolved over time, one way of understanding racism is that it is rooted in bias, and essentializes the identity and value of a person.<sup>4</sup> Contrary to popular belief, racism is not just about being offended. Moreover, even when racism is not explicit or overt, it remains harmful. Institutional, systemic, and structural bigotry are rooted in power imbalances and cause harms that reach far beyond individual actions.<sup>5</sup>

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<sup>2</sup>Kornel Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Oakland: University of California Press, 2012).

<sup>3</sup>Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27, no. 1 (March 1999): 105-38.

<sup>4</sup>John McWhorter, “Racist Is a Tough Little Word,” *Atlantic*, July 24, 2019, <https://www.theatlantic.com/ideas/archive/2019/07/racism-concept-change/594526/>.

<sup>5</sup>Sung-Soo Hong, “Denial of Systemic Discrimination,” *Kyunghyang Shinmun*, February 21, 2022, <https://www.khan.co.kr/opinion/column/article/202202210300055>.

## Core Components of Anti-Asian American Racism throughout History

### Erasure and Invisibility

In 1869 in a barren region of northern Utah called Promontory Point, the transcontinental railroad project was completed. The culminating moment was celebrated by the driving of a final golden spike securing the last rail into place. The celebration was captured in an iconic photograph capturing dozens of men, some in suits and mostly anonymous workers, posing in front of two trains heading from the west and east. Noticeably unseen in this moment of triumph were men of Chinese descent, 15,000-strong who literally built the railroad in the treacherous stretches from west to east across mountains and deserts. Their sacrifice and contributions in the photo—as well as in the telling of the story of the massive undertaking linking the U.S. by rail that required ten years to complete, converging in Utah—were erased and excluded.

“We’ve forgotten the contribution of these workers, and in fact, we forget the contribution of all workers. We tend to focus on the achievement of the few and not the stories of the average everyday person,” explained a curator of the exhibition at the National Museum of American History commemorating the 150th anniversary of the transcontinental railroad’s completion.<sup>6</sup>

Worse yet, the Chinese American laborers experienced discrimination at every turn of the project. They were paid half of what white workers earned, had to live outside in tents, and forced to scavenge for their own food, while white laborers lived in railroad cars and were provided with meals by the Central Pacific Railroad.<sup>7</sup> When the Chinese American workers went on strike to protest the indignities, the effort failed.<sup>8</sup> The owners had the full weight of power and resources, and not an ounce of compassion.

The invisibility of Asian Americans and erasure of their roles reach further. Acclaimed with a Pulitzer Prize, Oscar Handlin’s *The Uprooted: The Epic Story of the Great Migrations That Made the American People* examines the history of immigration in the U.S.<sup>9</sup> However, it focuses almost singularly on those who left their homes in Europe to cross the Atlantic and fails to tell the story of Asian immigrants. The first edition barely mentions those who traveled the Pacific Ocean and arrived at Angel Island in San Francisco Harbor, and even in later editions, coinciding with a period when non-European immigrants no longer dominate, those from Asia have received short shrift.

On a sunny day in the late 1980s, a group of community activists in Boston’s Chinatown neighborhood invited Stephen Coyle, the powerful head of the Boston Redevelopment Authority, to walk around the streets in the neighborhood. At the encounter of a young child riding a “Big Wheel” on the crowded

<sup>6</sup>Nadja Sayej, “‘Forgotten by Society’ – How Chinese Migrants Built the Transcontinental Railroad,” *Guardian*, July 18, 2019, <https://www.theguardian.com/artanddesign/2019/jul/18/forgotten-by-society-how-chinese-migrants-built-the-transcontinental-railroad>.

<sup>7</sup>Sayej, “Forgotten by Society.” See also “Chinese Railroad Workers in North America Project,” *Stanford University*, accessed April 25, 2022, <https://web.stanford.edu/group/chineserailroad/cgi-bin/website/>.

<sup>8</sup>Sayej, “Forgotten by Society.”

<sup>9</sup>Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations That Made the American People* (Philadelphia: University of Pennsylvania Press, 2002).

sidewalks during his visit, Coyle inquired with great surprise what the kid was doing in the heart of Chinatown. The activist replied that the kid lived in a nearby apartment.<sup>10</sup>

To many observers, including people like Coyle, their conception of Chinatown did not encompass more than the street-level restaurants and shops: a colorful business district, but not a neighborhood where above and beyond the storefronts where residents had a livelihood, many were trying to raise their families. In fact, Chinatown remains one of the densest sectors in Boston in residential concentration.<sup>11</sup>

For years, however, real estate developers and government officials shrunk the neighborhood to make way for major highways, hospital complexes, strip clubs, and luxury condos.<sup>12</sup> Though one of the oldest, and longest surviving of its kind in the U.S., Boston's Chinatown was an easy target because the lives of its residents were not considered at stake. Rather, their livelihoods were seen as expendable.

### **Perpetual Foreigner Syndrome: Exclusion and Otherization**

The question “where are you from?” followed by “no, where are you *really* from?” is an exchange Asian Americans are all too familiar with and tired of. The longevity, persistence, and consistency of this construction has been the most powerful impediment to the equity and inclusion of Asian Americans legally, politically, socially, and economically. It has been manifested in school kids being bullied to “go back to where you came from” and in discriminatory government policies as severe as those imposed against any group in the nation. Countless actions promulgated as policies and attitudes reflect the alleged pull of external attachments, questioning the allegiance of Asian Americans throughout history.

With the discovery of gold in California in 1848, those seeking to make their fortunes flocked to the American west from all over the world. With the surge of newly arrived workers, also rose the public resentment in the guise of economic concerns under the rallying cry “they are taking away our jobs.” The California State Legislature, in hopes of quelling the rising anxiety and anger, quickly passed the Foreign Miners' Tax Act to impose on all miners who were not U.S. citizens to pay a monthly fee of \$20—equivalent to about \$720 in today's market—for mining rights in the state. Expectedly, the new law was met with opposition from “foreign” miners, but only upon the protests from Irish, English, Canadian, and German miners was it amended to exempt “free white person[s],” or anyone who could become an American citizen, thereby placing Asian American miners at total disadvantage.<sup>13</sup>

<sup>10</sup>Michael Liu, *Forever Struggle: Activism, Identity, & Survival in Boston's Chinatown, 1880-2018* (Amherst: University of Massachusetts Press, 2020), 111-12.

<sup>11</sup>Liu, *Forever Struggle*, 1.

<sup>12</sup>Liu, *Forever Struggle*. See also Greg Miller, “Mapping the Alarming Decline of America's Chinatowns,” *Wired*, October 9, 2013, <https://www.wired.com/2013/10/chinatown-map/>.

<sup>13</sup>Jean Pfaelzer, *Driven Out: The Forgotten War against Chinese Americans*, (Berkeley: University of California Press, 2007).

Likewise, anti-Asian American racism manifested in several local-level policies in the same era. For example, in 1880, San Francisco enacted an ordinance requiring laundries in “wooden buildings” to obtain permits. Although Chinese Americans operated 89 percent of San Francisco’s laundry businesses, all of their permit applications were denied and all applications submitted by white people were granted.<sup>14</sup>

The trend rapidly spread across the country, with Congress passing and President Chester Arthur enacting the Chinese Exclusion Act of 1882, the first federal government action in which the U.S. closed its borders to people coming from a specific nation. The concept of an “illegal immigrant” thus was born, cementing the perception of Asian Americans as foreigners and “the other.”<sup>15</sup> Two powerful forces, nativism and racism, blatantly influenced policy on the local, state, and federal levels. Immigration and citizenship policies, especially, sought to keep Asians out through additional laws such as the Immigration Act of 1924, which effectively cut off normal immigration from Asia until the passage of the Immigration and Nationality Act of 1965, embedding in Asian Americans consequences that last to date.

A public policy that most markedly targeted Asian Americans came at the outbreak of the World War II. In 1942, President Roosevelt issued Executive Order 9066 to remove Japanese Americans from the West Coast by force, deeming them “enemy aliens” and a threat to national security. Nearly 120,000 Japanese Americans, most of them born in the U.S., were incarcerated in concentration camps in remote, isolated places for up to four years, with little to no property ownership protected and their Constitutional rights stripped. General John DeWitt, who headed the forced removal as the leader of the Western Defense Command, explained the government’s reasoning behind the mass imprisonment with candor: “The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become ‘Americanized,’ the racial strains are undiluted.”<sup>16</sup> Or, more succinctly, “a Jap’s a Jap.”<sup>17</sup>

For the majority of their time in the U.S., newcomers from Asia were denied the right to naturalize. Instead, they were declared to be “aliens ineligible for citizenship” until subsequent court rulings permitted citizenship for Chinese Americans in 1943, Indian Americans in 1946, and Japanese Americans and other Asian Americans in 1952. Still, Americans of Asian descent are often perceived as not true Americans, regardless of their nationality, duration of residency in the U.S., education attainment, level of wealth, or social stature today. Additional legal obstacles confronted by Asian Americans included prohibitions on entering licensed professions,<sup>18</sup> owning real estate and property,<sup>19</sup> and other limitations.

<sup>14</sup>Yick v. Hopkins, 118 U.S. 356 (1886).

<sup>15</sup>Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2014).

<sup>16</sup>John Muyskens and Aaron Steckelberg, “Incarceration by Executive Order,” *Washington Post*, February 19, 2017, <https://www.washingtonpost.com/graphics/national/incarceration-executive-order/>.

<sup>17</sup>T.A. Frail, “The Injustice of Japanese-American Internment Camps Resonates Strongly to This Day,” *Smithsonian Magazine*, January 2017, <https://www.smithsonianmag.com/history/injustice-japanese-americans-internment-camps-resonates-strongly-180961422/>.

<sup>18</sup>Phillip Nash, “Asian-Americans and Their Rights for Employment and Education,” in *Asian Americans and the Supreme Court*, ed. Hyung-chan Kim (New York: Greenwood Press, 1992), 897-907.

<sup>19</sup>Thomas E. Stuen, “Asian Americans and Their Rights for Land Ownership,” in *Asian Americans and the Supreme Court*, ed. Hyung-chan Kim (New York: Greenwood Press, 1992), 603-22.

The question arises: what have been the stakes for Asian Americans in the perpetuation of bigoted exclusion? An 1854 California Supreme Court case provides some insight. In that case, George Hall and two other white men were tried for murdering a Chinese American.<sup>20</sup> One white and three Chinese American witnesses were called to testify by the prosecution. The jury found Hall guilty and sentenced him to be hung. Hall appealed his conviction citing an 1849 restriction in California law that stated, “No black or Mulatto person or Indian shall be allowed to give evidence for or against a white man.” The court reversed Hall’s conviction, stating that all Chinese Americans were restricted from testifying “because the word ‘white’ necessarily excludes all races other than Caucasians.” The court essentially said if you are not white you must be Black.

In law schools, *People v. Hall* is generally taught because it addresses the court’s interpretations of racial categories in the U.S. Yet Chief Justice Murray’s majority opinion provides some broader guidance about its significance. Justice Murray observed that “[t]he same rule which would admit [Chinese Americans] to testify would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls. This is not a speculation . . . it is an actual and present danger.”<sup>21</sup>

In Murray’s view, therefore, if you allowed Chinese Americans to testify against a white man, then those Chinese Americans might acquire the rights of citizenship and then come to the polls, sit as jurors and judges and they might serve in the legislative halls and actually make the laws which they and other citizens live by. As Murray warned, this was not speculation but “an actual and present danger.” Ironically here the image of the “model minority” as an engaged citizen seems to have raised fears rather than praise.

These manifestations of bigotry may help inform responses to bigotry, such as challenging barriers to civic and social participation, as discussed further below.

## Physical Violence

Along with the spread of public policy and government action targeting Asian Americans came the intensification of violence rooted in racial animosity, forming a positive loop feeding off each other. A few of the documented incidents in the wild West include: the Los Angeles massacre of Chinese Americans in 1871;<sup>22</sup> the Rock Springs massacre of 1885, in which dozens of Chinese American miners were murdered due to racial prejudice and misperception of “taking jobs away from white men” in Wyoming;<sup>23</sup> and the Hells Canyon Massacre of 1887 in which at least 31 Chinese American miners were ambushed and killed in Oregon.<sup>24</sup>

<sup>20</sup>People v. Hall, 4 Cal. 399 (Cal. 1854).

<sup>21</sup>Hall, 4 Cal. at 404.

<sup>22</sup>Frank Shyong, “History forgot the 1871 Los Angeles Chinese massacre, but we’ve all been shaped by its violence,” *Los Angeles Times*, October 24, 2021, <https://www.latimes.com/california/story/2021-10-24/150th-anniversary-los-angeles-chinese-massacre>.

<sup>23</sup>“The Rock Springs Massacre,” History.com, April 13, 2021, <https://www.history.com/topics/immigration/rock-springs-massacre-wyoming>.

<sup>24</sup>Associated Press, “Files Found in Oregon Detail Massacre of Chinese,” *New York Times*, August 20, 1995, <https://www.nytimes.com/1995/08/20/us/files-found-in-oregon-detail-massacre-of-chinese.html>.

Racially charged aggressions, stemming from economic anxiety and perception of zero-sum competition, have repeated throughout history.<sup>25</sup> In 1982, animosity towards Asian Americans skyrocketed in metro Detroit, as the escalating U.S.-Japan trade war accelerated the decline of American automobile conglomerates, resulting in massive layoffs. Two workers facing the threat of economic downturn beat a Chinese American to death with a baseball bat, blaming him for their job insecurity. The victim, 27-year-old Vincent Chin, was celebrating his upcoming wedding at the time and had no relationship with Japan or its automobile industry. The murderers served no jail time.

As such, anti-Asian American racism is affected by not only public policy in general, but also by U.S. foreign policy. By contrast, for white Americans, the line between them and where their ancestors came from is seldom blurred, even in times of conflict, and generally assumptions are not made about them based on their ancestry.

In 1999, Wen Ho Lee, a Taiwanese American scientist at the Los Alamos National Laboratory in New Mexico, was racially scapegoated, profiled, and wrongfully charged with espionage by the U.S. government on the allegation that he was stealing secrets about the U.S. nuclear arsenal for China.<sup>26</sup> Lee eventually received apologies from a federal judge and a settlement from the federal government after a lawsuit. The U.S. Department of Justice under the Trump administration established a national security program titled the “China Initiative” to counter alleged espionage threats “that would benefit the Chinese state,”<sup>27</sup> which lasted until early 2022 when Assistant Attorney General Matthew Olsen, appointed by President Biden, announced the end of the program because it “fostered anti-Asian bias.”<sup>28</sup>

Similarly, South Asian American communities were wrongfully blamed for the actions of the 9/11 terrorists, which led to hate crimes, workplace discrimination, school bullying, and racial and religious profiling, often directed at Sikh Americans.<sup>29</sup> One example of the continued violence against Sikhs in the U.S. was the mass shooting at a temple in Oak Creek, Wisconsin, in 2012.<sup>30</sup> The same pattern is seen in the rapid rise of racial violence against East Asian Americans with the advent of the COVID-19 pandemic, especially as President Trump insisted on calling the virus the “China Virus” and “Wuhan Virus,” giving the crisis an Asian face. Indeed, more than 10,370 hate incidents—ranging from verbal

<sup>25</sup>Ramirez and Rosado Contribution; Heather McGhee, *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together* (New York: One World, 2021).

<sup>26</sup>Helen Zia and Wen Ho Lee, *My Country Versus Me* (New York: Hyperion, 2001).

<sup>27</sup>“Information about the Department of Justice’s China Initiative and a Compilation of China-Related Prosecutions since 2018,” *U.S. Department of Justice*, <https://www.justice.gov/archives/nsd/information-about-department-justice-s-china-initiative-and-compilation-china-related> (last updated November 19, 2021).

<sup>28</sup>Kevin Johnson and Dylan Wells, “DOJ Ending Trump-era ‘China Initiative’; National Security Program Fueled Asian ‘Intolerance, Bias,’” *USA Today*, February 23, 2022, <https://www.usatoday.com/story/news/politics/2022/02/23/trump-era-china-initiative-end-doj-says-fostered-bias/6907145001/>.

<sup>29</sup>“Fact Sheet on Post-9/11 Discrimination and Violence against Sikh Americans,” *Sikh Coalition*, <https://www.sikhcoalition.org/images/documents/fact%20sheet%20on%20hate%20against%20sikhs%20in%20america%20post%209-11%201.pdf> (accessed April 14, 2022).

<sup>30</sup>“Sikh Priest Who Was Left Paralyzed after 2012 Sikh Temple Shooting in Oak Creek Has Died,” *TMJ4: Milwaukee*, March 3, 2020, <https://www.tmj4.com/news/local-news/sikh-priest-who-was-left-partially-paralyzed-after-2012-sikh-temple-shooting-in-oak-creek-has-died>.

harassment, vandalism, physical assaults, and discrimination—were reported to Stop AAPI Hate from March 2020 to September 2021.<sup>31</sup> A sharp surge in such aggression has also been found in the anti-Asian American hate crimes recorded by the Federal Bureau of Investigation,<sup>32</sup> anti-Asian American incidents recorded by the New York Police Department,<sup>33</sup> bias incident reports published by the Attorney General of New Jersey,<sup>34</sup> and many others across the country.

Graffiti with racial slurs outside Asian restaurants<sup>35</sup> and family homes,<sup>36</sup> unprovoked attacks toward Asian American shopkeepers,<sup>37</sup> lighting an 89-year-old passer-by on fire,<sup>38</sup> killing a senior citizen for looking Asian,<sup>39</sup> shoving an Asian American woman in front of an oncoming subway train,<sup>40</sup> and following an Asian American woman only to stab her more than forty times until she died<sup>41</sup> — numerous examples of racial violence against Asian Americans since the onset of the pandemic are substantial and continuing.

## Fetishization and Objectification

Most of the victims in the aforementioned cases of physical violence are women, elderly, and lack English proficiency—or, at least, they are perceived that way. In the case of the shooting spree that targeted three spas in the greater Atlanta area in March 2020, six of the eight victims who died were Asian American women. Many community organizers and advocates described the incident as “racially motivated sexual violence against women,”<sup>42</sup> rooted in the culturally pervasive aspect of anti-Asian American bigotry that includes sexism through fetishization of Asian American women.

<sup>31</sup>Aggie J. Yellow Horse, Russell Jeung, and Ronae Matriano, *Stop AAPI Hate National Report* (Stop AAPI Hate, November 21, 2021), <https://stopaapihate.org/national-report-through-september-2021/>.

<sup>32</sup>Sakshi Venkatraman, “Asian-American Hate Crimes Rose 73% Last Year, Updated FBI Data Says,” *NBC News*, October 25, 2021, <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-rose-73-last-year-updated-fbi-data-says-rcna3741>.

<sup>33</sup>Jose Martinez, “2021 Saw Another Surge of Anti-Asian Hate Crimes in Subway,” *City*, January 4, 2022, <https://www.thecity.nyc/2022/1/4/22867479/2021-saw-another-surge-of-anti-asian-hate-crimes-in-subway>.

<sup>34</sup>“Bias Incident Reports,” *Office of the Attorney General, State of New Jersey*, <https://www.njsp.org/ucr/bias-incident-reports.shtml>.

<sup>35</sup>Erika Adams, “Racist Graffiti Scrawled on Michelin-Starred West Village Korean Restaurant Jeju,” *Eater: New York*, April 13, 2020, <https://ny.eater.com/2020/4/13/21218921/jeju-noodle-bar-racist-graffiti-harrasment-coronavirus-nyc>.

<sup>36</sup>Erin Hassanzadeh, “Coronavirus in Minnesota: ‘We’re Watching You’: Racist Note Left on Woodbury Home of Asian American Couple,” *CBS Minnesota*, March 27, 2020, <https://minnesota.cbslocal.com/2020/03/27/coronavirus-in-minnesota-were-watching-you-racist-note-left-on-woodbury-home-of-asian-american-couple/>.

<sup>37</sup>Jill Konopka, “Albany Shop Employee Says He Was Attacked for Trying to Enforce Social Distancing,” *WNYT: Albany*, June 14, 2020, <https://wnyt.com/news/albany-shop-employee-says-he-was-attacked-for-trying-to-enforce-social-distancing/5759718/>.

<sup>38</sup>“89-Year-Old Woman Who Was Attacked, Set on Fire in Brooklyn Speaks Out,” *ABC7: New York*, July 24, 2020, <https://abc7ny.com/woman-set-on-fire-elderly-attack-89-year-old-attacked-bensonhurst-crime/6333749/>.

<sup>39</sup>Associated Press, “U.S. Cities Honor One-Year Mark after Killing of Vicha Ratanapakdee, Thai Grandfather,” *NBC News*, January 31, 2022, <https://www.nbcnews.com/news/asian-america/us-cities-honor-one-year-mark-killing-vicha-ratanapakdee-thai-grandfat-rcna14211>.

<sup>40</sup>Kimmy Yam, “NYC Subway Station Death of Michelle Go Leaves Asian Americans Reeling,” *NBC News*, January 20, 2022, <https://www.nbcnews.com/news/asian-america/nyc-subway-station-death-michelle-go-leaves-asian-americans-reeling-rcna12650>.

<sup>41</sup>Precious Fondren and Ashley Southall, “Woman Followed and Fatally Stabbed in Her Chinatown Apartment,” *New York Times*, February 13, 2022, <https://www.nytimes.com/2022/02/13/nyregion/murder-chinatown-nyc.html>.

<sup>42</sup>Marlene Lenthang, “Atlanta Shooting and the Legacy of Misogyny and Racism against Asian Women,” *ABC News*, March 21, 2021, <https://abcnews.go.com/US/atlanta-shooting-legacy-misogyny-racism-asian-women/story?id=76533776>.

Several participants in our community conversation groups attested to its prevalence with their own experiences of being objectified and asked to change their appearances and behaviors to match the stereotypical expectations of them.<sup>43</sup>

In addition to being objectified, “harmful stereotypes” portray Asian American women as “hypersexualized” and “submissive,”<sup>44</sup> as seen in Hollywood movies like *Rush Hour*, *Austin Powers*, and so many more. A study by Geena Davis Institute on Gender in Media found that almost half of AANHPI women in films between 2010 and 2019 were disproportionately sexualized.<sup>45</sup>

The fetishization has been a persistent accompaniment of attitudes with disrespect to women. The Page Act of 1875 sought to “end the danger of cheap Chinese labor and immoral Chinese women,” who were overwhelmingly thought to be prostitutes. President Grant who enacted the law echoed the sentiment later that year in an address to the joint session of Congress: “no less an evil—the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations.”<sup>46</sup> The sexual objectification and “the trope of the hypersexual but docile Asian woman,” then, has been reinforced through the emergence of films and artwork after U.S.-led wars in Asian countries<sup>47</sup> that reflected the “colonial fantasies of pale, fragile, and diminutive Asian women, and continued circulating these images to ensure the certainty of [the Westerners’] ownership and domination over the East.”<sup>48</sup>

Michelle Li, an anchor and reporter at a TV station based in St. Louis, shared on air that her choice for a favorite New Year’s meal was dumpling soup, explaining it is “what a lot of Korean people do.” This simple statement prompted harsh criticism from a viewer who called in to complain that “she was being very Asian” and advised that “[s]he can keep her Korean to herself.”<sup>49</sup> The incident highlights that an increase in mere representation in the media does not necessarily lead to acceptance of Asian Americans.

## Minimization and Racial Hierarchy

Despite the abundance of examples of anti-Asian American racism throughout history, its impacts and existence tend to be minimized. Indeed, the participants in our conversation group described anti-Asian American racism with words like, “subtle,” “nuanced,” and “veiled” and shared that often they did not know how to process—let alone respond to—anti-Asian American racism other than

<sup>43</sup>For this project, we conducted two conversation groups with sixteen participants total. These conversation groups are referred to throughout our report contribution.

<sup>44</sup>Lenthang, “Atlanta Shooting.” 6

<sup>45</sup>*Am Not a Fetish or Model Minority: Redefining What It Means to Be API in the Entertainment Industry* (CAPE and Gold House, 2021), <https://seejane.org/wp-content/uploads/api-study-2021-8.pdf>.

<sup>46</sup>Ulysses S. Grant, “Seventh Annual Message,” December 7, 1875, <https://www.presidency.ucsb.edu/documents/seventh-annual-message-3>.

<sup>47</sup>Celine Parrenas Shimizu, *The Hypersexuality of Race* (Durham: Duke University Press, 2007).

<sup>48</sup>Joey Lee, “East Asian ‘China Doll’ or ‘Dragon Lady’?,” *Bridges: An Undergraduate Journal of Contemporary Connections* 3, no. 1 (2018): 1, [https://scholars.wlu.ca/bridges\\_contemporary\\_connections/vol3/iss1/2](https://scholars.wlu.ca/bridges_contemporary_connections/vol3/iss1/2).

<sup>49</sup>Nicole Chavez, “A Viewer Called to Criticize a TV Anchor in Missouri over Being ‘Very Asian,’” *CNN*, January 4, 2022, <https://www.cnn.com/2022/01/04/us/missouri-complain-asian-tv-anchor-michelle-li/index.html>.

“shrug it off, [and] don’t talk about it.” One participant described this as racist gaslighting, where Asian Americans are primed to dismiss racial slights and aggressions and the perpetrators are afforded the option to deny it.<sup>50</sup> This sometimes involves victim blaming so the responsibilities and culpabilities would even fall on those vulnerable to bigotry—verbal, psychological, physical, or otherwise. In this environment, as another participant put it, Asian Americans often feel the pressure to “conform [one’s] self for the comfort of others” and “we have to convince ourselves one more time that what we’re going through is racism.”

A few of the conversation group participants indicated that anti-Asian American racism is less severe or harmful than racism targeting non-Asian Americans. Certainly, this notion is prevalent and the notion of a racial hierarchy was codified as far back as 1896 in Justice Harlan’s “Great Dissent” to the Supreme Court’s ruling on *Plessy v. Ferguson*. Although Justice Harlan deserves much credit for his position on the equal protection clause of the Fourteenth Amendment at the time, he noted that “a Chinaman can ride in the same passenger coach with white citizens of the United States,” while citizens of the black race in Louisiana may not sit in integrated coaches.<sup>51</sup> This may be one of the earliest examples of the comparative evaluation of people of color to determine what their entitlement to recognition and rights.<sup>52</sup>

Legal scholar Gabriel J. Chin describes such a style of argument, popular to date, more explicitly: “pitting racial minorities against each other by positing that one is receiving an unmerited advantage to the detriment of the other.”<sup>53</sup> Indeed, the narrative that Asian Americans suffer less from racism reduces efforts to address anti-Asian American racism to petulant whining. One participant in the conversation group, who has been involved with civil rights advocacy for years in New York City, recalled that she often has to actively fight for the inclusion of Asian Americans’ resource needs, facing pushbacks along the lines of “just wait your turn,” and “wait until someone gets murdered.”

The lens through which Asian Americans are perceived to enjoy more rights, and therefore less racism and harms than other people of color, but are still required to “earn their way” suggests that there is not simply a bipolar framework juxtaposing “the ‘higher’ against the ‘lower’ races.”<sup>54</sup> Political scientist Claire Jean Kim offers an alternative in a racial triangulation theory, in which on the vertical axis of status and privilege, whites are placed as the most “superior,” followed by Asian Americans and Black Americans, and on the horizontal axis, Asian Americans are placed on one end labeled “foreigner” and white and Black Americans on the other end labeled “insider.”<sup>55</sup>

As such, the manifestations and harms inflicted by racism must be recognized as different, rather than put on a scale of severity—or, as one participant of the conversation group dubbed “oppression Olympics”—in order to arrive at equitable approaches to address bigotry.

<sup>50</sup>Author and poet Cathy Park Hong also discusses this term. See Cathy Park Hong, *Minor Feelings: An Asian American Reckoning* (New York: One World, 2020).

<sup>51</sup>*Plessy v. Ferguson*, 163 U.S. 537, 561 (1896).

<sup>52</sup>Gabriel J. Chin, “The *Plessy* Myth: Justice Harlan and the Chinese Cases,” *Iowa Law Review* 82, no. 1 (1996).

<sup>53</sup>Chin, “The *Plessy* Myth,” 175.

<sup>54</sup>W.E.B. Du Bois, “Strivings of the Negro People,” *Atlantic*, August 1897, <https://www.theatlantic.com/magazine/archive/1897/08/strivings-of-the-negro-people/305446>.

<sup>55</sup>Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27, no. 1 (March 1999): 105-38.

## Model Minority Myth

The alleged intermediate position of Asian Americans has been recognized by scholars with varying views and many Americans who have described it as “white proximity” or call Asian Americans the “middleman minority.”<sup>56</sup> Certainly, this perception serves as the premise of Justice Harlan’s argument in his “Great Dissent.” Asian Americans have also been characterized as a model minority whose stereotypes include a high level of income and education attainment, as well as characteristics like “passive,” “hard-working,” and “obedient.” While interpreted by some as a positive commentary on a community of color in the United States, the concept is much less concerned with valorizing Asian Americans and more about the behavior and treatment of Black Americans historically and Latinx more recently.<sup>57</sup>

The important issue in this regard is to recognize the origins of the myth in the 1960s, a period marked by racial unrest with virtually every major U.S. city targeted by protests and demands for change. The model minority narrative with respect to another non-white group—the Asian Americans—was carefully and consciously developed in influential media and government circles to counter the arguments about systemic and structural racism that drove much of Black ire. Asian Americans were used by those dominant powers to argue that Asian Americans are people of color who are successful, content, and uncomplaining. To Black America, in other words, the message was that it was their own (mis)behavior, not institutional racism, that explained their plight.

Over the past fifty years, Asian Americans have been used to perpetuate the model minority myth as an example of the “pull yourself up by the bootstraps” illusion, effectively pitting minorities against one another and distracting those suffering from the harms from exploring institutional flaws and meaningful solutions. By creating a monolithic depiction of Asian Americans, the myth has also erased the economic, social, and health-related plights of Asian immigrants from Vietnam, Cambodia, and Laos who arrived to the U.S. as refugees.

## Anti-Asian American Racism in Summary

Anti-Asian American racism was not only borne of, but more importantly, has been mutually reinforced by cultural ideas and public policy. It has especially been impacted by U.S. foreign and immigration policies, as they dictate which attributes of Asians and Asian Americans are portrayed in the U.S., and at times give rise to the appeal of exclusion due to the perceived linkage of Asian Americans with foreign nations at an adversarial position. Anti-Asian American racism also depicts Asians and Asian Americans with a broad stroke, reducing their identity to one dimension and denying the diversity in their backgrounds in culture, nation of origin, language, religion, and much more.

<sup>56</sup>Kim, “The Racial Triangulation of Asian Americans,” 105-38.

<sup>57</sup>Paul Y. Watanabe, “Asian Americans Rise Up: The Response to the Pew Report on the Rise of Asian Americans,” *UCLA AAPI Nexus Journal: Asian Americans & Pacific Islanders Policy, Practice and Community* 13, no. 2 (2015): 321-335, DOI: 10.17953/1545-0317.13.1.321.

Bigotry targeting Asian Americans also features elements of xenophobia and nativism, largely through the lens of perpetual foreigner syndrome. Likewise, anti-Asian American bigotry intersects with linguisticism through targeting of those who lack of English proficiency.<sup>58</sup> The detrimental impacts of linguisticism are well noted in Cynthia Willis Esqueda and Tyler Press Sutherland's report contribution.

Additionally, anti-Asian American racism incorporates sexism, which manifests in hypersexualized portrayal of Asian women in media, in a disproportionate economic impact on Asian American women with respect to unemployment<sup>59</sup> and other economic opportunities,<sup>60</sup> and in targeted exclusion and violence, as in countless instances of recent attacks.

Anyone who is perceived as Asian American remains susceptible to anti-Asian American racism, regardless of their nationality, ethnicity, duration of residency in the U.S., English proficiency, educational attainment, social stature, economic wealth, or perceived contribution to our country.

Asian American elected officials like former Washington Governor Gary Locke, Congressman Andy Kim from New Jersey, and Hoboken, New Jersey Mayor Ravi Bhalla have all been accused of nefarious ties to a foreign country,<sup>61</sup> called "not one of us,"<sup>62</sup> or described as a "terrorist."<sup>63</sup> Filipino American entrepreneur and multi-millionaire James Juanillo was confronted by the police after a passer-by accusing him of trespassing.<sup>64</sup> Olympians representing the U.S. at Nagano and Beijing are described as foreigners—as in the victory announcement of Tara Lipinski that read "American Beats Kwan," referring to Michelle Kwan, another American figure skater and now nominated as the U.S. Ambassador to Belize—and accused of authenticity and dual loyalty.<sup>65</sup> Over 120,000 Japanese Americans were incarcerated, and many Sikh Americans, and Vincent Chin, were killed because of their perceived ties to foreign adversaries of the U.S.

In Boston, Michelle Wu recently made history as the first woman and person of color to be elected mayor. Every day she has to read a barrage of racist messages or hear the rants of some calling her Mayor Wuhan and raising fear that she is taking marching orders from Beijing leaders.

<sup>58</sup>Donald L. Rubin, "Nonlanguage Factors Affecting Undergraduates' Judgments of Nonnative English-Speaking Teaching Assistants," *Research in Higher Education* 33, no. 4 (1992): 511-31.

<sup>59</sup>"Long-Term Unemployment among Asian American and Pacific Islander Women," *National Asian Pacific American Women's Forum*, June 3, 2021, <https://www.napawf.org/our-work/content/2021/6/3/long-term-unemployment-among-aapi-women-afzf4>.

<sup>60</sup>See Lewis and Tabacco Mar Contribution (addressing sexism).

<sup>61</sup>Nick Corasaniti, Jeremy W. Peters, and Annie Karni, "New Trump Ad Suggests a Campaign Strategy amid Crisis: Xenophobia," *New York Times*, April 13, 2020, <https://www.nytimes.com/2020/04/10/us/politics/trump-ad-gary-locke.html>.

<sup>62</sup>Ryan J. Reilly, "Andy Kim Is a South Jersey Boy. The GOP Calls Him 'Not One of Us,'" *Huffington Post*, October 30, 2018, [https://www.huffpost.com/entry/andy-kim-tom-macarthur-nj-3rd-district\\_n\\_5bbcd8c5e4b01470d055d5eb](https://www.huffpost.com/entry/andy-kim-tom-macarthur-nj-3rd-district_n_5bbcd8c5e4b01470d055d5eb).

<sup>63</sup>Chris Fuchs, "'Terrorism' Flyer Targeting Sikh Mayoral Candidate Being Investigated as Possible Bias Crime," *NBC News*, November 5, 2021, <https://www.nbcnews.com/news/asian-america/terrorism-flyer-targeting-sikh-mayoral-candidate-being-investigated-possible-bias-n817691>.

<sup>64</sup>Claire Wang, "Filipino American Confronted for BLM Message Sheds Light on Form of Genteel Racism, Experts Say," *NBC News*, June 18, 2020, <https://www.nbcnews.com/news/asian-america/filipino-american-confronted-blm-message-sheds-light-form-genteel-racism-n1231409>.

<sup>65</sup>"Fame and Fury: China's Wildly Different Reactions to US-Born Olympians," *CNN*, February 11, 2022, <https://www.cnn.com/2022/02/11/china/eileen-gu-zhu-yi-nathan-chen-comparison-intl-hnk-dst/index.html>.

## Disrupting Anti-Asian American Racism

The goal of dismantling structural bigotry of all forms has proven elusive. Indeed, the notion of racial superiority is undergoing a bit of a revival in the U.S. and elsewhere. Perhaps a challenge that one might hope to gain some ground on is helping to better manage the impact of racism and bigotry. Understanding aspects of the Asian American experience is a fundamental way to begin to address structural racism and a critical factor in easing the prevalence and pain of bigoted acts. That, and some other ways to disrupt the racist impulse and to ease its costs, are summarized below:

### 1. Include Asian American history in public education

Despite their longevity and growth, Asian Americans have generally been the least studied and understood racial group. Invisibility and erasure have led to dire consequences. When little is known about a group, the dominant powers can define or “racialize” it, and thereby, limit the group’s agency.<sup>66</sup> These limitations have led to the marginalization of Asian Americans and being defined by highly prejudicial stereotypes. Access to better and more accurate information may lead to an abandonment of racist and bigoted views and action. Indeed, a teacher educator with the Southern Poverty Law Center’s Learning for Justice initiative has advocated for the inclusion of Asian American history in public education curriculum: “By not showing up in American history, by not hearing about Asian Americans in schools, that contributes to that sense of foreignness.”<sup>67</sup> Following years of advocacy, the State of Illinois became the first state in the country to adopt this policy by enacting legislation in July 2020,<sup>68</sup> and New Jersey followed suit in January 2022.<sup>69</sup>

Additionally, partially in response to the absence of a major scholarly work that focused on the immigrants who left Asian lands to come to America, historian Ronald Takaki wrote a book with a suggestive and purposeful title, *Strangers from a Different Shore: A History of Asian Americans*.<sup>70</sup> Writing near the dawn of a new century, Takaki’s work added new, once-silenced, voices telling epic stories of the American people. Since Takaki lifted the shroud, several Asian American authors have continued to combat erasure and invisibility.<sup>71</sup>

### 2. Ensure and expand workforce diversity

Another way to provide access to better and more accurate information on Asian Americans is to increase mere exposure to them. Ensuring and expanding diversity in the workforce not only helps with representation but also provides equitable economic opportunities to those who may otherwise be underserved. It may be a lengthy process that requires years of change in recruitment, retention,

<sup>66</sup>Michael Omi and Howard Winant. *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

<sup>67</sup>Li Zhou, “Why a New Law Requiring Asian American History in Schools Is so Significant,” *Vox*, July 20, 2021, <https://www.vox.com/2021/7/20/22576138/asian-american-history-illinois-law>.

<sup>68</sup>Gov. Pritzker Signs Historic Legislation Requiring Asian American History to Be Taught in Schools,” *Center for East & Pacific Studies, Illinois Global Institute*, July 12, 2021, <https://ceaps.illinois.edu/news/2021-07-12/gov-pritzker-signs-historic-legislation-requiring-asian-american-history-be-taught>.

<sup>69</sup>“Governor Murphy Signs Legislation Ensuring AAPI-Inclusive Curriculum Is Taught in New Jersey Schools,” *State of New Jersey, Governor Phil Murphy*, January 18, 2022, <https://www.nj.gov/governor/news/news/562022/20220118c.shtml>.

<sup>70</sup>Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989).

<sup>71</sup>See Erika Lee, *The Making of Asian America: A History* (New York: Simon & Schuster Paperbacks, 2015).

and promotion of the workforce, but it can begin with a mandatory survey of workforce demographics for public access on a regular basis. One benchmark would be that of the U.S. Office of Personnel Management, which has published an annual report on the executive branch employment by gender and race/national origin since 2006.<sup>72</sup> The U.S. Government Accountability Office has released similar reports, with a narrower purview and deeper investigation on potential barriers to diversity.<sup>73</sup> In the State of Illinois, the legislature has directed the Illinois Department of Central Management Services to submit to the Illinois General Assembly an annual plan to increase the number of African American, Asian American, Hispanic, and Native American persons employed by the State. Similar measures may be taken in all levels of government, by agency directive or legislation, to serve as the basis for ensuring and expanding diversity in public employment, whether for civil servants, public teachers, or otherwise. Once the data identifies deficiencies, solutions may be devised to address them.

### 3. Identify and eliminate barriers that impede civic and social participation

One way to counter bigotry is to challenge the many hurdles that Asian Americans find particularly troublesome on their way to full electoral participation. The citizenship requirement for a population nearly 70% foreign-born is daunting and then getting those who are citizens registered to vote adds another hurdle.

Language barriers limit civic and social participation in several areas. A Pew Research Center report found that 28% of Asian Americans speak English at a level “less than proficient” as of 2019.<sup>74</sup> Language barriers can affect participation in public affairs, the political process, and accessing resources like healthcare. For example, a Virginia election law required voters to provide their full name and address in an “audible” manner.<sup>75</sup> Those with limited English proficiency felt intimidated and thus discouraged to participate in elections, which led to the change in the law permitting self-identification in writing as well. English proficiency, or any proof of entitlement, should not be required of any American exercising their rights. Additionally, improved language access materials and bilingual ballots are critical accompaniments of increased formal political participation.

### 4. Protect those vulnerable to violence

The threat of violence is very much current and close, especially to Asian Americans living in the age of COVID-19. Recently, the effort to address the rapid rise of racially charged violence against Asian Americans has been centered on hate crimes, which is a “criminal act defined by law in which bias

<sup>72</sup>“Policy, Data, Oversight,” *U.S. Office of Personal Management*, <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/executive-branch-employment-by-gender-and-racenational-origin/> (accessed April 14, 2022).

<sup>73</sup>“State Department: Additional Steps Are Needed to Identify Potential Barriers to Diversity,” *U.S. Government Accountability Office*, January 27, 2020, <https://www.gao.gov/products/gao-20-237>.

<sup>74</sup>Abby Budiman and Neil G. Ruiz, “Key Facts about Asian Americans, a Diverse and Growing Population,” *Pew Research Center*, April 29, 2021, <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans>.

<sup>75</sup>Virginia Code Annotated § 24.2-643.

— whether it’s gender based, sexual orientation, religion or other descriptor — can be proven to be a central motive.”<sup>76</sup>

Notably, hate crimes require immense time and effort to prove, and tend to focus our attention on one-off punishment of the perpetrator. Where appropriate, our efforts should also include responses beyond law enforcement and legal interventions. Whether targeted by racial, ethnic, or gender bias, those vulnerable to such threats must be protected and further instances of violence must be prevented. Although limiting its scope to hate crimes, the COVID-19 Hate Crimes Act, authored by Senator Hirono and Representative Meng (Public Law 117–13), serves as a multi-pronged response by facilitating the expedited review of hate crimes reported to federal, state, and local law enforcement agencies and supports them with public education campaigns. Two pieces of legislation recently introduced in the California State Legislature, 2022 CA SB1161 and AB2549, provide a complementary approach by declaring street harassment a public health issue and directing the State Department of Public Health to conduct research and public awareness campaigns to better address street harassment, especially on public transit.

## 5. Disaggregate data on Asian American, Native Hawaiian, and Pacific Islanders

Most data on the Asian American community aggregates all Asian Americans, Native Hawaiians, and Pacific Islanders into a single group. Today, as indicated earlier, the Asian American community consists of dozens of specific Asian ethnic groups. For example, Hmong Americans have a high rate of school drop-outs,<sup>77</sup> and Southeast Asian Americans fare worse than average in socioeconomic security.<sup>78</sup> Many South Asians feel the threat of Islamophobia, and Native Hawaiians and Pacific Islanders suffer from high rates of several health-related maladies.<sup>79</sup> To address the harms across the board and provide equitable means of support, all information and data on the broader Asian American community must be disaggregated.

## 6. Establish and expand a body of resources to support people targeted by bigotry

A robust array of resources must be established and expanded, readily accessible regardless of language proficiency, socioeconomic status, age, or physical ability, from which Asian Americans can learn to identify and properly respond to bigotry at all levels. To build such a body of resources, additional support (financial and otherwise) must be given to community organizations, advocates, scholars, and institutions of higher education including those with Asian American studies programs. Those resources should include mental health services with counselors and therapists who understand how

<sup>76</sup>Cheryl Cheng, “Understanding Today’s Anti-Asian Violence by Looking at the Past,” *UCLA: Newsroom*, May 6, 2021, <https://newsroom.ucla.edu/stories/anti-asian-hatred-karen-umemoto-david-yoo>.

<sup>77</sup>Moriah Balingit, “Hmong Students Are among the Forgotten Minorities of Higher Education,” *Salt Lake Tribune*, March 18, 2019, <https://www.sltrib.com/news/nation-world/2019/03/19/hmong-students-are-among/>.

<sup>78</sup>*Southeast Asian American Journeys* (SEARAC and Asian Americans Advancing Justice, 2020), [https://www.searac.org/wp-content/uploads/2020/02/SEARAC\\_NationalSnapshot\\_PrinterFriendly.pdf](https://www.searac.org/wp-content/uploads/2020/02/SEARAC_NationalSnapshot_PrinterFriendly.pdf).

<sup>79</sup>Ashley K. Morisako et al., “Beyond the Ability to Pay: The Health Status of Native Hawaiians and Other Pacific Islanders in Relationship to Health Insurance,” *Hawai’i Journal of Medicine & Public Health* 76, no. 3 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5375012>.

Asian Americans experience the impacts of structural and internalized racism: “[A]lways looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity.”<sup>80</sup>

## 7. Increase exposure and representation and build solidarity

One of the suggestions in Ramirez and Rosado’s report on anti-Latinx racism is to “offer new, alternative narratives through social contact and interpersonal relationships, and attempt to change social norms on this more intimate level.” This suggestion is also a sound approach to combating bigotry of all stripes and could be instrumental in building solidarity with all those suffering the harm of bigotry. Indeed, several participants of the conversation group emphasized the importance of inclusion of lived experiences, especially those of language minorities. They were concerned that discourse on bigotry largely occurs in academic settings and favors those with access, scholarly privilege, and English proficiency, which would distort the portrayal of the Asian American community towards a specific subset of groups, not only socioeconomically but also geographically, the latter of which plays a significant role in the lived experiences of Asian Americans and their identity.

Notably, before the 150th commemoration of the completion of the transcontinental railroad, legendary photographer-activist Corky Lee<sup>81</sup> put out a call for Chinese Americans to meet at the Golden Spike site. There, with replicas of the two trains positioned as they were a century and a half earlier, Lee took a new picture that included solely dozens of Chinese Americans reclaiming space, contesting invisibility, and demanding inclusion. This is one powerful example of the kinds of narrative efforts that can combat bigotry.

## 8. Support Community-Based Resistance

Asian American communities are resisting bigotry through activist movements across the country. The powerful forces that have for decades feasted on the residents of Boston’s Chinatown and other enclaves throughout the U.S. have exploited Asian American invisibility through a thousand cuts—including roads, hospitals, expensive condominium complexes, gentrification, pollution, strip joints—to dismantle the homes and lives of its residents. The attempts to overtake the area have not fully succeeded and the principal reason for the incomplete removal has been the response of community members who live in and have a connection with Chinatown.<sup>82</sup> Resistance has been a path for some to combat the exclusion.

<sup>80</sup>W.E.B. Du Bois, “Strivings of the Negro People,” *Atlantic*, August 1897, <https://www.theatlantic.com/magazine/archive/1897/08/strivings-of-the-negro-people/305446>.

<sup>81</sup>Sadly, in the early months of the COVID crisis, the virus claimed Corky.

<sup>82</sup>This story of resistance is effectively told in the recent authoritative account of an activist who for decades has joined in the battle. Michael Liu, *Forever Struggle: Activism, Identity, and Survival in Boston’s Chinatown, 1880-2018* (Amherst: University of Massachusetts Press, 2020).

## In Closing

As the United States is becoming a nation with a majority of people of color, the prospect brings fear and loathing and feeds the fires of bigotry burning throughout much of America. Racial hierarchies are intact, inequities persist, and the toll of bigotry is felt from Buffalo to Brooklyn, Minneapolis to Atlanta, Miami to Kenosha, and Charlottesville to Charleston. Asian Americans have important roles to play in confronting the racial divides and violence.

To our Latinx siblings, we can say “we know we have also been the undesirable strangers at the border. We have been outsiders, too.” To the undocumented, we can say, “we know, indeed the term ‘illegal immigrant’ was coined for us. We have been aliens ineligible for citizenship. We have had ‘paper sons,’ many of us are still undocumented, and many of our families are being ripped apart by deportations, too.” To our Muslim siblings, “We know. We have been deemed agents of foreign influences, our loyalties questioned and victimized by misplaced notions of collective guilt, and we have seen our families thrown into America’s concentration camps because they looked like the enemy.”

Asian Americans are not a monolithic Model Minority, perpetual foreigners, a yellow peril, a virus, or the other. In solidarity we must proclaim that we are Vincent Chin, Michael Brown, Trayvon Martin, Breonna Taylor, George Floyd, we are all somebody.

# ANTI-BLACKNESS/ COLORISM

Janvieve Williams Comrie, Antoinette M. Landor, Ph.D., Kwyn Townsend Riley, Jason D. Williamson, Esq.<sup>1</sup>

*“The reason people think it’s important to be white is that they think it’s important not to be black.”*

— James Baldwin

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## Defining Anti-Blackness and Anti-Black Racism

**Anti-Blackness** is defined as the beliefs, attitudes, actions, practices, and behaviors of individuals and institutions that devalue, minimize, and marginalize the full participation of Black people<sup>2</sup> —visibly (or perceived to be) of African descent. It is the systematic denial of Black humanity and dignity, which makes Black people effectively ineligible for full citizenship. The Anti-Blackness paradigm positions Blackness as inherently problematic, rather than recognizing the long, rich, and diverse history of Black people throughout the African diaspora, and acknowledging that Black communities across the United States (and the world) have been severely disadvantaged as a result of historical and contemporary systemic racism.

Anti-Blackness is also closely related to anti-darkness/colorism, as it amplifies and prioritizes proximity to whiteness. Colorism, the term used to describe the unequal treatment of and discrimination against individuals based on their skin tone, is rooted in and perpetuates white supremacy and racism by privileging and upholding Eurocentric beauty standards.<sup>3</sup> Eurocentric physical features (e.g., lighter skin, narrower nose, straighter hair) are afforded greater value and considered more desirable than Afrocentric physical features (e.g., darker skin, broader nose, more coarse hair). Thus, the closer to whiteness (and further away from Blackness) individuals are, the more privilege and power they are assigned in society, and in essence, the more power they have.

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<sup>2</sup>Black people refers to descendants of people from the African diaspora, including but not limited to African Americans.

<sup>3</sup>Antoinette M. Landor and Sharde McNeil, “Skin Tone Trauma: Historical and Contemporary Influences on the Health and Interpersonal Outcomes of African Americans,” *Perspectives on Psychological Science* 14, no. 5 (September 2019): 797-815, <https://doi.org/10.1177%2F1745691619851781>; Angela R. Dixon and Edward E. Telles, “Skin Color and Colorism: Global Research, Concepts, and Measurement,” *Annual Review of Sociology* 43 (July 2017): 405-424, <https://doi.org/10.1146/annurev-soc-060116-053315>.

Many notable scholars in this area, including W.E.B. Du Bois, Angela Davis, Ibram X. Kendi, and Michael J. Dumas, have illustrated a complex and disconcerting vision of anti-Blackness and what it has offered white Americans. The policies and practices designed to uphold white supremacy are the same policies and practices that harm Black people and communities. Dumas argues that “the aim of theorizing anti-Blackness is not to offer solutions to racial inequality, but to come to a deeper understanding of the Black condition within a context of utter contempt for and acceptance of violence against the Black.”<sup>4</sup> Hence, anti-Blackness lives in values and beliefs that can render Black bodies disposable, resulting in, among other things, the over-surveillance, over-policing, and under-protection of Black people in American society. This inability to recognize Black humanity is, in part, what maintains white supremacy.

**Anti-Black racism** is a specific kind of racial prejudice directed towards Black people, or those perceived to be Black. More than merely a product of a few bad actors or individual prejudice, anti-Black racism is systematic and structural. It systematically marginalizes Black people and communities, and devalues Blackness in all contexts.

Although the past few years have brought about more familiarity with concepts like “racism” and “white privilege,” the concept of “anti-Blackness” is often overlooked. The term “racism,” however, fails to fully capture the experiences of Black people, including but not limited to Black women, men, trans Black people, Black gender non-conforming, non binary, Black youth, Black girls and boys, Black families, Black migrants, Black communities, etc. Thus, we can no longer afford to rely simply on our understanding of “racism” generally, lest we flatten, minimize, and distort the Black experience in America. We must be intentional in our acknowledgement of the specific harm caused by “anti-Black racism.”

Moreover, this concept pushes back against the notion that all racial and ethnic minority groups have similar lived experiences that can be generalized into one category like POC (People/Person of Color) and BIPOC (Black, Indigenous, & People of Color). “Anti-Blackness is without analogue. Hence, “[s]uch comparisons or conflation serve to undermine the specific centrality of anti-Blackness to U.S. society, its institutions, politics, and practices.”<sup>5</sup>

And to be clear, one does not have to be white to contribute to anti-Blackness or adopt anti-Black attitudes. In fact, anti-Black racism is not just about the racial oppression of Black people by whites, but by other racial and ethnic groups as well, all of which have themselves been heavily influenced by white supremacy. Indeed, anti-Blackness and anti-Black racism reside and thrive within institutions and ideologies of white supremacy, whiteness, and fear of Blackness<sup>6</sup> and have a profound effect on anyone forced to engage with those institutions and ideologies, irrespective of their own racial or ethnic background.

<sup>4</sup>Michael J. Dumas, “Against the Dark: Antiblackness in Education Policy and Discourse,” *Theory into Practice* 55, no. 1 (January 2016): 13, <https://doi.org/10.1080/00405841.2016.1116852>.

<sup>5</sup>Connie Wun, “Against Captivity: Black Girls and School Discipline Policies in the Afterlife of Slavery,” *Educational Policy* 30, no. 1 (November 2016): 171-196, <https://doi.org/10.1177%2F0895904815615439>.

<sup>6</sup>Ibram X. Kendi, *How to be an Antiracist* (New York: One World, 2019).

## History of Anti-Blackness and Anti-Black Racism

Perhaps more than any other facet of American life, the issue of race—and anti-Black racism specifically—has been the defining characteristic of this country. Indeed, the economic, social, and moral foundation of the United States has been shaped largely by the 400 years of chattel slavery, state-sanctioned terror, legal and de facto segregation, mass incarceration and over-policing, voter disenfranchisement, and ongoing discrimination that continue to dominate both our history and our current reality, all of which is rooted in the notion that to be Black is to be inferior, incapable, unworthy, less than human, and most importantly, deserving of the physical and psychological mistreatment and marginalization to which we have been subjected.

In this sense, anti-Blackness is part of the foundation upon which the United States was built and has been a way of life in this country from its inception, whether it be the wealthy white male power structure bent on taking whatever steps are necessary to maintain its control over Black and brown people and communities, or the poor and middle class white mainstream, which has been convinced that, whatever troubles or obstacles they may be experiencing in their own lives, their ultimate value lies in their whiteness, which will always prevail over Blackness, no matter the circumstances or the context. As many have suggested, the meteoric rise of Donald Trump over the last several years, and the overtly racist undertones of his 2016 presidential campaign, in particular, are directly correlated to the ascendance of our first Black president.<sup>7</sup> The deep-seated anti-Black and anti-immigrant sentiment among many white Trump supporters, while always percolating below the surface, revealed itself repeatedly in the wake of Barack Obama's election to the presidency—from the racially-charged threats and protests by disgruntled white voters in the days and weeks following the 2008 election,<sup>8</sup> to the violent 2017 “Unite the Right” rally by white supremacists in Charlottesville, Virginia.<sup>9</sup>

Even among Black and brown people themselves, the claws of anti-Blackness have taken hold, leading many Black people (and communities) to internalize this sense of inferiority and question their own worth, both as individuals and as a collective.<sup>10</sup> As suggested above, the concept of colorism itself arises out of an internal disdain for darker skin tones and a reverence for lighter skin tones, and has been a source of discord and division in the Black community (and across the African diaspora) for generations.

As such, anti-Blackness impacts every aspect of our lives—from education to employment; housing to health care; access to transportation to the administration of our criminal legal system. Longstanding inequities across all of these areas have combined to maintain the status quo over time and make it

<sup>7</sup>Ta-Nehisi Coates, “The First White President: The Foundation of Donald Trump’s Presidency is the Negation of Barack Obama’s Legacy,” *The Atlantic*, October 2017, <https://www.theatlantic.com/magazine/archive/2017/10/the-first-white-president-ta-nehisi-coates/537909/>; see also Jamelle Bouie, “How Trump Happened,” *Slate*, March 13, 2016, [http://www.slate.com/articles/news\\_and\\_politics/cover\\_story/2016/03/how\\_donald\\_trump\\_happened\\_racism\\_against\\_barack\\_obama.html](http://www.slate.com/articles/news_and_politics/cover_story/2016/03/how_donald_trump_happened_racism_against_barack_obama.html).

<sup>8</sup>Larry Keller, “Racist Backlash Greets President Barack Obama,” *Southern Poverty Law Center*, February 26, 2009, <https://www.splcenter.org/fighting-hate/intelligence-report/2009/racist-backlash-greets-president-barack-obama>; see also, Jay Reeves, “Obama Election Spurs Race Threats, Crimes,” *NBC News*, November 15, 2008, <https://www.nbcnews.com/id/wbna27738018>.

<sup>9</sup>Joe Heim, “Recounting a Day of Rage, Hate, Violence, and Death,” *The Washington Post*, August 14, 2017, <https://www.washingtonpost.com/graphics/2017/local/charlottesville-timeline/>.

<sup>10</sup>Karen D. Pyke, “What is Internalized Racial Oppression and Why Don’t We Study It? Acknowledging Racism’s Hidden Injuries,” *Sociological Perspectives* 53, no. 4 (December 2010): 551–572, <https://doi.org/10.1525/sop.2010.53.4.551.S2CID43997467>.

impossible for Black and brown communities to compete or close the educational or wealth gap.<sup>11</sup> And to be clear, these inequities are neither coincidental nor unconnected.

Rather, anti-Blackness, in all its manifestations, has been, and continues to be, an essential part of the concerted effort among the white establishment to entrench its own power. In particular, the anti-Blackness crusade has been used to destroy/devalue the collective identity of Black people; criminalize Black people and communities, thus leading to fewer opportunities, more poverty, more dependence, and less political power; and marginalize Black people and communities, physically and otherwise, to facilitate their exclusion and/or erasure from privileged spaces in our society.

## Core Components of Anti-Blackness and Anti-Black Racism

### Destruction/Devaluation of Identity

From the beginning, white Americans have sought to justify the enslavement of and discrimination against Black people by arguing that we are less than fully human; that Blackness—in and of itself—is so evil, so frightening, so deficient, so inferior to whiteness in every way, that it warrants, even requires, the systematic oppression of an entire race. After all, how else could one explain away the glaring paradox of the American ideal—life, liberty, and the pursuit of happiness—that failed to include the men and women who built this country, and whose uncompensated labor is the ultimate source of white America’s tremendous generational wealth? If white Americans hope to sleep soundly at night, it was/is necessary to perceive Black people as thoughtless, emotionless brutes, unaware of their own inferiority and in need of redemption; or as three-fifths of a person, unworthy of even being counted as fully human; or as violent, uncontrollable, hypersexual monsters incapable of rational thought or complex emotion. So, in the American context, anti-Blackness has been not only a reality, but a requirement, among those seeking to justify their own racist thoughts and behaviors.

With this current of anti-Blackness running through American history, it is no surprise that it has manifested both through the actions of individual, everyday Americans (e.g. Charlottesville, George Zimmerman/Trayvon Martin, and countless instances of white people questioning and/or calling the police on Black people they perceive to be “out of place”), and through official government policies and regulations over time (from the explicit Jim Crow laws that dominated the pre-Civil Rights era, to the less explicit, but perhaps more insidious, practices of law enforcement agencies, education departments, housing authorities, and other government entities that continue today).

Sadly, anti-Blackness also manifests itself in myriad ways among Black people trying to make sense of their own existence. Not surprisingly, for many Black folks, the messages of inferiority, whether explicit or implicit, ultimately have a negative impact on their own self-esteem, as well as their overall perceptions of the value of Black life. Whether it is buying into a standard of beauty that idealizes blonde hair and blue eyes; or doubting one’s ability to achieve academically or professionally; or

<sup>11</sup>Ta-Nehisi Coates, “The Case for Reparations,” *The Atlantic*, June 2014, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

devaluing the importance of one's own experiences, this kind of internalized oppression has wreaked havoc on the collective psyche of the Black community.

Moreover, this effort to devalue Blackness, combined with other categories of identity, can not only make Blackness invisible or less important, but it can make other parts of our identity invisible as well. For example, when we consider gender as it relates to policy making across all sectors of our society, Black women and other gender dissents often are not fully considered either in policy design or implementation, which means that a 'raceless' component to gender leaves Black women disproportionately negatively impacted by flawed policies and more vulnerable to harm by those policies.

### Criminalization

In recent years, the manifestations of anti-Blackness in the context of the criminal legal system have garnered perhaps the most attention among Americans. In the wake of the many high-profile police killings of Black people over the last decade—an all-too familiar list including Eric Garner, Breonna Taylor, Tamir Rice, Philando Castille, George Floyd, and countless others—white America has been forced to confront the disproportionate harm being suffered by Black communities at the hands of law enforcement. This is in addition to the collective realization, among conservatives and liberals alike, that mass incarceration generally is not only cruel, often unnecessary, and extremely expensive, it has also devastated Black and brown communities in particularly tragic and far-reaching ways.

Of course, the seed of anti-Blackness was planted in our criminal legal system from the very start. It is well-documented that, particularly in the South, state legislatures passed a slew of criminal laws in the wake of emancipation—aptly referred to as “black codes”—that were designed specifically to target newly-freed Blacks.<sup>12</sup> The southern white establishment readily took advantage of the gaping loophole in the 13th Amendment that (still) allows for the involuntary servitude of people in prison, and used the penal system to exert physical control over a Black population that they could no longer legally enslave.<sup>13</sup> It should come as no surprise, then, that anti-Black racism continues to rear its ugly head in the context of the criminal legal system.

As Michelle Alexander so eloquently reminded the public more than a decade ago in her groundbreaking work, *The New Jim Crow*, the devastating collateral consequences that accompany criminalization in this country have crippled Black people and communities over the last several decades. “Once you're labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service—are suddenly legal.”<sup>14</sup> As such, “we have not ended racial caste in America; we have merely redesigned it.”<sup>15</sup> Indeed, Black people continue to be arrested, prosecuted,

<sup>12</sup>Michelle Alexander, *The New Jim Crow* (New York: The New Press, 2010), 28-29; see also Nadra Kareem Nittle, “How the Black Codes Limited African American Progress After the Civil War,” *History.com*, January 28, 2021, <https://www.history.com/news/black-codes-reconstruction-slavery>.

<sup>13</sup>Douglass A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2008).

<sup>14</sup>Alexander, *The New Jim Crow*, 2.

<sup>15</sup>Alexander, *The New Jim Crow*, 2.

and severely sentenced at disproportionate rates in jurisdictions across the country.<sup>16</sup> When it comes to the enforcement of marijuana laws, for instance, Black people are more than three times more likely than whites to be arrested for possession, despite the fact that usage rates among Blacks and whites are nearly identical, and notwithstanding the growing trend toward decriminalization of marijuana across the country.<sup>17</sup> More generally, Black people are arrested at a significantly higher rate than whites across almost all crimes.<sup>18</sup> Further, despite accounting for just 13 percent of the U.S. population, Black people comprise approximately 40 percent of those serving time in jails and prisons nationwide,<sup>19</sup> and nearly 50 percent of those serving life, life without parole, or “virtual life” sentences.<sup>20</sup>

## Health

Historical and contemporary anti-Black racism has negatively contributed to the physical, emotional, psychological health and well-being of Black people. In fact, in recent decades, research has shown how anti-Black racism at individual and institutional levels contributes to poor health outcomes. For example, Black people suffer from disproportionately high rates of morbidity and shorter overall life expectancy compared to other racial and ethnic groups in the United States.<sup>21</sup> Moreover, the cumulative experiences of anti-Black racism has been linked to chronic stress and weathering, a process in which biological age accelerates faster than one’s chronological age.<sup>22</sup> Systemic anti-Black racism within health care settings has also resulted in health disparities in testing, pain treatment and management, and the quality and longevity of patient visits. For instance, research has demonstrated that anti-Black attitudes and practices in medicine betray a significant level of disregard for Black women in particular (e.g., mistreatment during childbirth, delayed prenatal care).<sup>23</sup> And most recently, we have seen the devastating impact of anti-Black structural racism in health care, as Black communities continue to be ravaged by the COVID-19 pandemic. From a disproportionate lack of access to testing and treatment, to the prevalence of pre-existing medical conditions that make the virus more deadly, Black communities have struggled to weather the storm. And unfortunately, inequities in our health care system are likely to remain, or even get worse, for the foreseeable future, as the persistence of anti-Black racism continues to be a critical barrier to enacting health policies to improve health equity.

<sup>16</sup>Wendy Sawyer, “Visualizing the Racial Disparities in Mass Incarceration,” *Prison Policy Initiative*, July 27, 2020, <https://www.prisonpolicy.org/blog/2020/07/27/disparities/>.

<sup>17</sup>“A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform,” *American Civil Liberties Union* (2020), 7-9.

<sup>18</sup>“Statistical Briefing Book,” Office of Juvenile Justice and Delinquency Prevention, *U.S. Department of Justice*, released November 16, 2020, [https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table\\_in=2&selYrs=2018&rdoGroups=1&rdoData=r](https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=2&selYrs=2018&rdoGroups=1&rdoData=r).

<sup>19</sup>Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2020,” *Prison Policy Initiative*, March 24, 2020, <https://www.prisonpolicy.org/reports/pie2020.html>

<sup>20</sup>Ashley Nellis, “Still Life: America’s Increasing Use of Life and Long Term Sentences,” *Sentencing Project*, May 3, 2017, <https://www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences/>.

<sup>21</sup>David R. Williams and Michelle Sternthal, “Understanding Racial-Ethnic Disparities in Health: Sociological Contributions,” *Journal of Health and Social Behavior* 51, suppl (2010): S15-S27, <https://dx.doi.org/10.1177%2F0022146510383838>.

<sup>22</sup>Arlene T. Geronimus et al., “Do US Black Women Experience Stress Related Accelerated Biological Aging?: A Novel Theory and First Population-Based Test of Black-White Differences in Telomere Length,” *Human Nature* 21, no. 1 (March 2010): 19-38, <https://doi.org/10.1007/s12110-010-9078-0>.

<sup>23</sup>Saraswathi Vedam et al., “The Giving Voice to Mothers Study: Inequity and Mistreatment during Pregnancy and Childbirth in the United States,” *Reproductive Health* 16, no. 1 (June 2019): 1-18, <https://doi.org/10.1186/s12978-019-0729-2>; . Jamie C. Slaughter-Acey et al., “Skin Tone Matters: Racial Microaggressions and Delayed Prenatal Care,” *American Journal of Preventive Medicine* 57, no. 3 (September 2019): 321-329, <https://doi.org/10.1016/j.amepre.2019.04.014>.

## Social Conceptions of Value

Anti-Black racism affects social conceptions of value in a myriad of ways. When Black people were stolen from their homeland and sold into slavery, we were valued for our labor but not valued as human beings. As noted above, the framers of the Constitution—all white men—originally assigned a value of three-fifths of a human being to Black folks. This was the result of a compromise made by Southern whites who wanted to boost their representation in Congress and Northern whites who did not want Blacks to be counted at all.

Black people were abused, raped, castrated, and malnourished, among other things, throughout the nearly 250 years of slavery in this country. When slavery was abolished, Blacks were not given any restitution for the malevolence we endured. Instead, anti-Black racism took the form of white hoods and racist laws that did not allow Black people to experience any true freedom at all. As such, our value to American society has been rooted in our economic contribution (whether as enslaved people, prisoners, laborers, or consumers) rather than in our humanity. As a result, when Black people are mistreated, discriminated against, abused, or murdered, there is little concern among the powers that be.

In addition, anti-Black bigotry encourages the public to dismiss harm when it is done to communities of oppressed populations. Throughout the history of this country, and even presently, Black people have been publicly attacked—physically and otherwise—without any significant response from the general public. Still to this day, whether it is in the wake of a police shooting or in some other context, Black people have had to educate white America about the history of violence against our communities and the current acts of brutality, both figurative and literal, that continue to dominate the present Black condition.

All bigotry feeds on ambivalence. As the late Desmond Tutu once said, “If you are neutral in situations of injustice, you have chosen the side of the oppressor.” But in order for the public—and white America in particular—to become invested in pushing back against anti-Blackness, they must find and appreciate the real value of the Black experience.

## Liberation

*“Nobody’s free until we are all free” - Fannie Lou Hamer.*

All forms of bigotry insist that any defending of one oppressed group requires us not to defend anyone else. Conservatives, the alt right, and others consistently argue, for instance, that supporting BlackLivesMatter requires removing other people—including other oppressed groups—from the conversation.

This is not the case. Quite the contrary. We are not free until we are all free. As such, Black liberation, and the liberation of all oppressed people, is essential to the liberation of our society as a whole.

When discussing Black folks and the impact of anti-Black racism, we must also include our trans niblings and queer family. We have to include our Black family who use wheelchairs, hearing aids or visual assistance. We have to include our Black indigenous family, Afro Latino/a, and Black family within the diaspora. We have to include Black people with mental illness, physical ailments and neurodiverse learning challenges.

When we talk about Black folks we are talking about everyone. As such, the authors tried to ensure that the focus groups associated with this project reflected as many perspectives and experiences as possible. While all of the participants identified as Black, the groups were intentionally diverse with respect to gender, sexuality, complexion, occupation/socioeconomic status, religion, and level of formal education, among other characteristics. Interestingly, despite that significant diversity, the participants had a shared understanding of anti-Blackness and the challenges of navigating (and also celebrating) their own Blackness as they move through the world. Indeed, when asked to define “Blackness,” a number of participants referenced the culture of community and shared experiences that bind us together, notwithstanding the nuances of our particular life experiences.

So, what does it look like for Black folks to be liberated?

It looks like a summer day. A day where everyone can be themselves, food is accessible and community is true. It is freedom. It is police-less, cage-less and rent-less. It is fair and safe and inclusive of all.

True liberation can only be achieved through accountability to our history and the consideration of our past decisions in the present. This can be done, in part, through the provision of reparations to Black people and communities, and the defunding of the police and reinvestment in communities. In addition, this can be achieved through concrete, policy-based efforts to end medical racism, eradicate food deserts, hold the mainstream media accountable for its role in perpetuating anti-Black narratives and imagery, and revolutionize the educational system in this country.

True liberation looks like a full acceptance of Black humanity, as innocent and free as a default mindset mentality for any Black body no matter what; a *‘yes, and’* rather than, *‘yes, but’* mentality; a full understanding of the realities that Black people face in all facets of their lives and the realities that come with it. These are some core examples that would shift how policy is developed, designed, and implemented, and revolutionize how we think about and move towards true and lasting liberation.

# ANTI-FAT BIGOTRY

*Joy Cox, Ph.D. and Amy Erdman Farrell, Ph.D.*<sup>1</sup>

The promotion, creation, implementation, and perpetuation of laws, policies, practices, narratives, norms, and state and institutional actions that: (1) deny the value, dignity, liberties, and opportunities of people based on their perceived membership in a social or socially-constructed group or on a human characteristic that has historically been subjected to oppression and subordination; and (2) drive and are driven by expressions of animus, including shared symbolism and hateful vocabulary, verbal and physical assaults including hate crimes, and exclusion which serves to entrench power in privileged insiders.

—Antibigotry Convening’s working definition of bigotry

Fat Studies and fat activism sit at the precipice of an emerging world, one where fat bodies and their liberations cannot be disaggregated from the liberation of all oppressions.

Cat Pausé and Sonya Renee Taylor<sup>2</sup>

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## Definition

Anti-fat bigotry is a deeply embedded form of bigotry that spans centuries of Western history. Rooted in the histories of 18th and 19th century race science and concepts of “civilization,” anti-fat bigotry today often hides behind a cloak of “health concern” that works to legitimize processes of discrimination and oppression of fat people. While everyone feels the effects of anti-fat bigotry, larger-bodied women, people of color, and poor people particularly bear the brunt of its negative consequences, which work in tandem with many other forms of oppression. The ill-effects of anti-fat bigotry get played out in every arena of life: health care, housing, education, business, and interpersonal and family relationships. Today, anti-fat bigotry is kept in deep-seated and often invisible anti-fat ideology that works in tandem with a diet and weight loss industry that tops almost \$80 billion a year in the United States.

## History

Anti-fat bigotry has a very deep-seated history within the West. Indeed, scholars like Susan Hill and R. Marie Griffith have carefully detailed how anti-fatness manifested itself within the ancient world and within the development of Christianity.<sup>3</sup> As scholars like Amy Farrell, Margaret Robinson, and Sabrina Strings have all demonstrated, however, anti-fatness developed into a powerful ideology during the

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<sup>2</sup>Cat Pausé and Sonya Renee Taylor, eds. *The Routledge International Handbook of Fat Studies* (Milton Park, Abingdon, Oxon: Routledge, 2021).

<sup>3</sup>Susan E Hill, *Eating to Excess the Meaning of Gluttony and the Fat Body in the Ancient World* (Santa Barbara: Praeger, 2011); R. Marie Griffith, *Born Again Bodies: Flesh and Spirit in American Christianity* (Berkeley: University of California Press, 2004).

Enlightenment, with the construction of race science, theories of evolution and civilization, and the advancement of eugenics.<sup>4</sup>

Cultural concern about fatness far preceded medical concerns. Indeed, the “father” of what became known as the diet industry was William Banting, a British businessman who was fed up with his heavy weight and facing a lack of concern by his physicians. In 1863, he published *Letter on Corpulence*, a dieting tract that became an international bestseller and that described fatness as a “parasite of barnacles” and a “crying evil.”<sup>5</sup> His description of fatness as an affront to “civilization” is unsurprising as by this time in history white European and American philosophers and scientists were convinced there was a scale of humanity, from the “most primitive” to the “most advanced,” with Black Africans at the bottom of the hierarchy and white Europeans at the top. There was extensive study of bodies to “prove” this scale, with the examination of the Khoi Hoi woman from South Africa, known as Sara Baartman (or, more popularly and pejoratively the Venus Hottentot), the most well-known person who was subject to this investigation. Georges Cuvier, the French scientist who published his findings from the (illegal) autopsy of Sara Baartman outlined his perspective that she was clearly an inferior person, noting her fatness along with other attributes, particularly her skin color, as “proof.”

Other scientists and philosophers picked up on these ideas, noting in particular the fact that fatness could be read as a sign of “degeneracy,” that is, a sign of one’s inherent inferior, unevolved traits. The most well-known of these was Cesare Lombroso, the Italian criminologist whose work on “criminal women” emphasized the “fact” that fatness was a sign of potential deviance, particularly sexual deviance in women. His work became key to the thinking of many eugenics projects in both the U.S. and Europe.

What we see in this history is a confluence of scientific and philosophical thinking that articulated the fat body as an inferior one, linked to racial and sexual inferiority in addition to cultural deviance. This has, in the broadest terms, had the effect of indoctrinating white people, particularly white women, into a serious concern about their weight in order to “maintain” the fabricated idea of purity associated with whiteness and superior position, while justifying the discrimination against Black and Indigenous people who frequently are framed as inherently inferior people.

When discussing fat bigotry, there are seven core components proposed in this report where fatphobia is both present and prevalent. Interestingly, these contexts require one to see identities and existence through an intersectional lens to fully understand the depth of ways that fat bigotry invades the lived experiences of those in smaller bodies, and even more so, those who are larger, Black, poor, or belong to other marginalized populations. The tensions that exist in negotiating one’s identity for respect and acknowledgement clearly correlate with society’s general hate for fatness and the constant resistance to see fat people as whole beings.

<sup>4</sup>Amy Erdman Farrell, *Fat Shame: Stigma and the Fat Body in American Culture* (New York: New York University Press, 2011); Margaret Robinson, “The Big Colonial Bones of Indigenous North America’s ‘Obesity Epidemic’” in *Thickening Fat: Fat Bodies, Intersectionality and Social Justice* ed. Freeman et al (London: Routledge Taylor & Francis Group, 2019); Sabrina Strings, *Fearing the Black Body: The Racial Origins of Fat Phobia* (New York: New York University Press, 2019).

<sup>5</sup>William Banting, *Letter on Corpulence, Addressed to the Public* (New York: Mohun, Ebbs & Hough, 1864).

We posit via this report that a reckoning with fatphobia and the way it collides with intersectional identities is necessary to embrace a stance \*truly\* representative of anti-fat bigotry. For this cannot be achieved by seeing fatness as a standalone identity when individuals are complex beings, simultaneously holding multiple narratives of existence that both propel and inhibit them from living their best lives.

## Core Components

### Citizenship

The articulation of the “obesity epidemic” in the late 20th century has particularly exacerbated the ill treatment of fat people in the United States. Natalie Boero’s *Killer Fat: Media, Medicine and Morals in the Obesity Epidemic* lays out the extent to which this discourse of the obesity epidemic shaped the ways that fat people are treated as what Erving Goffman calls “lesser human beings.”<sup>6</sup> This treatment compounds itself in every aspect of life, from the earliest treatment as children to adult participation in the fullness of social life (from education to work to family to enjoyment of public spaces). Hannele Harjunen, in her book *Neoliberal Bodies and the Gendered Fat Body*, explores the crucial ways that the contemporary neoliberal ideology of individualism blames fat people for these problems, as if fat people were themselves inherently inferior, rather than the stigma and discrimination faced by fat people in every aspect of life.<sup>7</sup> From the lack of law and policy to protect the lives and livelihood of fat people, to the lack of access and accommodation in employment and basic necessities, the messaging sent to people who live in larger bodies is that their humanity will not be respected until they are smaller. In these ways, fat people are not treated as full citizens, worthy of the same rights and opportunities as everyone else. For readers wanting a good introduction to the myriad ways this lack of (fat) citizenship manifests, *The Fat Studies Reader*, edited by Esther Rothblum and Sondra Solovay, is a good place to start.<sup>8</sup>

### Erasure and Hyper(In)visibility

Fat people face a distinctive experience of being what scholar Jeannine Gailey terms “hyper(in)visible” in her book *The Hyper(In)Visible Fat Woman*, which details the ways that fat women both face extensive and intrusive public scrutiny when “eating in public” or exercising or simply going about their daily lives, but also debilitating invisibility, in terms of recognition for job promotion, for having their voices heard and listened to, for being able to find appropriate resources, from clothing to seating to medical care.<sup>9</sup> This hyper(in)visibility compounds itself when the fat person is larger outside of the

<sup>6</sup>Natalie Boero, *Killer Fat: Media, Medicine, and Morals in the American ‘Obesity Epidemic’* (New Brunswick: Rutgers University Press, 2012); Erving Goffman, *Stigma: Notes on the Management of A Spoiled Identity* (New York: Simon and Schuster, 1963).

<sup>7</sup>Hannele Harjunen, *Neoliberal Bodies and the Gendered Fat Body* (London: Routledge Taylor & Francis Group, 2017).

<sup>8</sup>Esther Rothblum and Sondra Solovay, eds. *The Fat Studies Reader* (New York: New York University Press, 2009).

<sup>9</sup>Jeannine A Gailey, *Hyper(in)visible Fat Woman: Weight and Gender Discourse in Contemporary Society* (New York: Palgrave Macmillan, 2014).

accommodations typically made in society, Black, poor, or otherwise marginalized, in ways that make daily life very difficult and that decrease one's "life chances," to draw from the term Erving Goffman articulated.<sup>10</sup>

## Health

When confronted with discussions about anti-fat bigotry, people will frequently defend their discriminatory behavior and beliefs by saying "but fat is unhealthy." What a clear look at anti-fat bigotry illuminates, however, is that these deep-seated negative perspectives on fatness actually cloud thinking on the connections between ill health and fatness. One of the most important examples of this is the work of Katherine Flegal at the Center for Disease Control. In 2005, Flegal and her colleagues published a study which demonstrated that overall increases in mortality and morbidity was actually correlated to body size only in the most extreme underweight and obese categories.<sup>11</sup> The "overweight" category, a BMI of 25-30, actually correlated with better morbidity and mortality results. In 2013, in the *Journal of the American Medical Association* published an even more extensive study by Flegal and her colleagues, this one a "gold standard" study which pulled from all the studies on weight and health that the researchers could identify from electronic databases, yielding a combined sample size of more than 2.88 million people and more than 270,000 deaths.<sup>12</sup> It found that the epidemiological studies indicated that health risks correlating with body size seem to be linked primarily to either end of that U curve, not at all to a large range of body size. Indeed, the best health seemed to be correlated with overweight! What is important to note here is that very few people are aware of this extraordinarily well researched information; the headlines in the media and the diet industrial complex worked hard to erase this information. What is particularly important to understand is the devastating pressure and pushback she received for "daring" to publish this information. Indeed, in 2021 she published an essay in *Progress in Cardiovascular Disease*, in which she laid out the smear campaign and personal insults levied against her since 2005 that had nothing to do with the evidence, that toyed with the evidence by "paltering" (using true statements in a deceptive way), and that intimidated other scientists and journalists.<sup>13</sup> She argued that we must learn to accept "inconvenient scientific findings" even when these facts are not supportive of lucrative industries or our deepset ideologies.<sup>14</sup>

What all this means in terms of health and fat people is that, most generally, fat people will face extraordinary pressure in the doctor's office to lose weight, including the pressure to undergo debilitating and life changing bariatric surgeries, which have increased from 8,631 per year in 1993 to 252,000 per year in 2018.<sup>15</sup> It is mostly women who undergo bariatric surgery, likely because of the increased

<sup>10</sup>Erving Goffman, *Stigma: Notes on the Management of A Spoiled Identity* (New York: Simon and Schuster, 1963).

<sup>11</sup>Katherine M. Flegal, et al. "Excess Deaths Associated With Underweight, Overweight, and Obesity" *JAMA: the Journal of the American Medical Association* 293, no. 15 (2005): 1861-1867.

<sup>12</sup>Katherine M. Flegal, et al. "Association of All-Cause Mortality With Overweight and Obesity Using Standard Body Mass Index Categories: A Systematic Review and Meta-Analysis" *JAMA: the Journal of the American Medical Association* 309, no. 1 (2013): 71-82.

<sup>13</sup>Katherine M. Flegal, "The obesity wars and the education of a researcher: A personal account" *Progress in Cardiovascular Diseases* 67 (July 2021): 75-79. <https://doi.org/10.1016/j.pcad.2021.06.009>.

<sup>14</sup>Flegal, "obesity wars" 75-79.

<sup>15</sup>Wayne J. English et al., "American Society for Metabolic and Bariatric Surgery 2018 estimate of metabolic and bariatric procedures performed in the United States," *Surgery for Obesity and Related Diseases* 16 (2020): 457-463 (noting that there were 252000 bariatric surgeries in 2018); Guilherme M. Campos et al., "Changes in Utilization of Bariatric Surgery in the United States From 1993 to 2016," *Annals of Surgery* 271, no. 2 (2020): 203 (noting that there were 8631 bariatric surgeries in 1993).

cultural pressure and scrutiny on their bodies for being fat.<sup>16</sup> As a result of this kind of medical stigma in doctor's offices, from scolding to the refusal of medical professionals to touch fat bodies to the lack of appropriately sized medical equipment to being told all health problems are a result of fatness, fat people get misdiagnosed, undiagnosed, and will frequently avoid going to the doctor. Many scholars have also pointed out the extent to which stress itself is a major cause of health problems, which little of the popular material connecting fat to ill health ever discusses. The medical industry continues to prescribe weight loss for fat patients, despite the fact that all evidence highlights the fact that diets are not successful in the long term and that the same behaviors that are being prescribed (intensive focus on food, restrictive eating) are the same behaviors that in thin patients are diagnosed as an eating disorder. Many essays in *The Fat Studies Reader* address these health issues.

The issues of access, which were noted earlier in this report, must also be addressed in terms of health. When a person doesn't have access to a seat belt that fits, or cannot easily go into a bathroom stall in a public setting or airplane, the health effects are serious, ones that can be life threatening or, as is the case with car crashes, fatal. These are health consequences of fatness that are matters of discrimination, not related at all the inherent "health" of a person.

And, finally, one also must note the concept of "healthism"; that is, the belief that one is only worthy of good treatment and lack of discrimination if one is healthy or at least working hard at being and appearing "healthy." This form of discrimination described by Jessica Roberts and Elizabeth Weeks in their book *Healthism* is particularly devastating for fat people.<sup>17</sup> And, as some scholars have found, fat people, even when they have lost weight, still face stigma and discrimination for having been at one time in their lives "fat," a sign of an inferior being.<sup>18</sup>

## Reproduction and Family

Anti-fat bigotry has severe consequences in terms of reproductive rights, family formation, and children's experiences. April Herndon's *Fat Blame: How the War on Obesity Victimized Women and Children* lays out in great detail the experiences of children forcibly removed from their homes because of their body size or their mother's body size; the idea that fatness in the family signifies an unsuitable home and unfit parenting has extraordinarily painful and devastating results.<sup>19</sup> Public policy particularly targets families of color, Herndon demonstrates. Cassandra Dame-Griff's work on Latinx women and public policy demonstrates the way that this anti-fat perspective especially targets Latinx communities and works to solidify anti-immigration policy.<sup>20</sup>

<sup>16</sup>Nikkolette Lee, "Bariatric Surgeries, Gender and Fat," in Amy Erdman Farrell, ed., *Gender and Fat* (forthcoming Routledge).

<sup>17</sup>Jessica L. Roberts and Elizabeth Weeks, *Healthism: Health Discrimination and the Law* (Cambridge: Cambridge University Press 2019).

<sup>18</sup>Holly R. Fee and Michael R. Nussbaumer, "Social Distance and the Formerly Obese: Does the Stigma of Obesity Linger?" *Sociological Inquiry* 82, no. 3 (2012): 356-377; Barbara Hansen and Meredith Huey Dye, "Damned If You Do, Damned If You Don't: The Stigma of Weight Loss Surgery," *Deviant Behavior* 39, no. 2 (2018): 137-147.

<sup>19</sup>April Michelle Herndon, *Fat Blame: How the War on Obesity Victimized Women and Children* (Lawrence: University Press of Kansas, 2014).

<sup>20</sup>E. Cassandra Dame-Griff, "The Future is Brown . . . and Fat: Population Control, Latina/o/x 'Health' and Protecting the Future Nation-State," *Fat Studies* 9, no 3 (August 2019): 220-233, DOI:10.1080/21604851.2019.1643183

## Religion

Religious institutions frequently support anti-fat perspectives. Lynne Gerber's *Seeking the Straight and Narrow: Weight Loss and Sexual Reorientation in Evangelical America* focuses on the ways that Fundamentalist Christianity connects its insistence on heterosexuality with beliefs and practices of normative thinness.<sup>21</sup> LeRhonda Manigault-Bryant, Susan Hill and Lynne Gerber's edited collection, *Fat Religion: Protestant Christianity and the Construction of the Fat Body* is the newest set of essays speaking to the ways that Protestant Christianity has vilified the fat body.<sup>22</sup> Minna Bromberg's work in her project *Fat Torah* addresses anti-fat stigma within Judaism and those who are challenging it.<sup>23</sup> Leah Vernon's popular text *Unashamed: Musings of a Fat, Black Muslim* addresses anti-fat stigma within, as her title suggests, a Black, Muslim context.<sup>24</sup>

## Criminalization

At first glance, this may seem an irrelevant category. Fat may be stigmatized, but is it illegal? Nevertheless, this is an important category to consider, for the pressure to be thin has made many fat people experience their bodies as “illegal,” as non-citizens, so much so that the unending pressure to change their body size leads to drastic measures including gastric bypass surgery. In addition, fat people often feel they have no right—and generally are treated as if they have no right—to challenge poor and discriminatory treatment, because they have “acted wrongly” in being fat. On a more literal level, however, this category is also relevant because, as scholars like Da'Shaun Harrison have noted in his *Belly of the Beast: The Politics of Anti-Fatness as Anti-Blackness*, often fatness and Blackness are seen as explicitly criminal, such as in the case of Eric Garner, with extraordinary violence enacted upon those whose bodies are seen as a crime.<sup>25</sup>

## Construction of Value

Fat people, perceived as lesser human beings, regularly receive lower pay and face educational and job discrimination to such a degree that they will experience lower social mobility compared to their thinner peers and family members.<sup>26</sup> The work of Heather Brown, including the text she edited with Nancy Ellis-Ordway's *Weight Bias in Health Education*, particularly focuses on the problems fat people face within educational settings.<sup>27</sup>

<sup>21</sup>Lynne Gerber, *Seeking the Straight and Narrow: Weight Loss and Sexual Reorientation in Evangelical America* (Chicago: University of Chicago Press, 2011).

<sup>22</sup>Lynne Gerber, Susan E. Hill, and LeRhonda S. Manigault-Bryant, *Fat Religion: Protestant Christianity and the Construction of the Fat Body* (Abingdon: Routledge, 2021).

<sup>23</sup>Minna Bromberg, “Fat Torah”, last modified November 13, 2021, <https://www.fattorah.org/>.

<sup>24</sup>Leah Vernon, *Unashamed: Musings of a Fat, Black Muslim* (Boston: Beacon Press, 2019).

<sup>25</sup>Da'Shaun Harrison, *Belly of the Beast: The Politics of Anti-Fatness as Anti-Blackness* (Berkeley, CA: North Atlantic Books, 2021).

<sup>26</sup>Paul Ernsberger, “Does Social Class Explain the Connection Between Weight and Health?” In *The Fat Studies Reader*, eds. Rothblum and Solovay, 25-36 (New York: New York University Press, 2009).

<sup>27</sup>Nancy Ellis-Ordway and Heather Brown, eds. *Weight Bias in Health Education: Critical Perspectives for Pedagogy and Practice* (London: Routledge, 2021).

## Narratives, Language and Symbols

Anti-fat bigotry is pervasive and deep seated within popular culture—from the movies we watch to the stories we read to the advertisements we see. Sabrina Strings’ *Fearing the Black Body* speaks especially to the fundamental, core narrative of fat as a Black, primitive trait.<sup>28</sup> Amy Farrell’s *Fat Shame* addresses the many ways that fat serves as the marker of the “primitive” or the “before” that must be overcome for the protagonist to “win” or achieve validation.<sup>29</sup> Watching any episode of *The Biggest Loser* one will see this narrative in action and will be able to identify it across cultural forms.

## Intersections, Convergences and Differences

The material shared above should give a good picture of the ways that anti-fat perspectives intersect with and intensify racism and misogyny. Class also plays a key role, as fat people face such discrimination that they will frequently experience significant downward mobility. Many scholars and activists have also outlined the connections between anti-fat stigma, transphobia and heterosexism, such as Cat Pausé, Jackie Wykes and Samantha Murray’s *Queering Fat Embodiment*.<sup>30</sup> Francis White particularly focuses on the ways that fatness constructs gender to such an extent that it makes it difficult for trans people to access appropriate medical care. May Friedman and Carla Rice’s collection *Thickening Fat: Fat Bodies, Intersectionality, and Social Justice* includes a range of scholarly perspectives on the ways that fatness intersects with multiple other identities and oppressions.<sup>31</sup>

## Disruptions

In the last twenty years there have been many powerful disruptions to the hold of anti-fat bigotry. Joy Cox’s *Fat Girls in Black Bodies: Creating Communities of Our Own* is a powerful text that speaks both to the oppression faced by Black women but also the joyful possibilities of disrupting that oppression and seeking community.<sup>32</sup> Writers like Kimberly Dark, Hanne Blank, and Susan Stinson disrupt anti-fat bigotry in all its complexities and manifestations in their essays and novels. Photographer Substantia Jones is extraordinary in her representation of fat people, especially fat queer people. Sonya Renee Taylor’s *Your Body is Not an Apology*, both her book and her larger activist project, speaks to the multiple avenues of challenging the idea that the body is a signifier of “civilization.”<sup>33</sup>

<sup>28</sup>Strings, *Fearing the Black Body*.

<sup>29</sup>Farrell, *Fat Shame*.

<sup>30</sup>Cat Pausé et al, eds. *Queering Fat Embodiment* (Farnham, Surrey, England: Ashgate, 2014); Rothblum and Solovay, *The Fat Studies Reader*.

<sup>31</sup>May Friedman, Carla Rice, and Jen Rinaldi, *Thickening Fat: Fat Bodies, Intersectionality, and Social Justice* (New York: Routledge, 2020).

<sup>32</sup>Joy Cox, *Fat Girls in Black Bodies: Creating Communities of Our Own* (Berkeley: North Atlantic Books, 2020).

<sup>33</sup>Sonya Renee Taylor, *The Body Is Not an Apology: The Power of Radical Self-Love* (Oakland: Berrett-Koehler Publishers, 2018).

Many advocates, professionals and scholars are also working to disrupt anti-fat bigotry by utilizing fat acceptance and activism that challenges weight stigma through the promotion of body and wellness diversity in medical settings. Erin Cameron and Constance Russell's *The Fat Pedagogy Reader: Challenging Weight-Based Oppression Through Critical Education* speaks to, as the title suggests, the ways that educators can push against fat stigma.<sup>34</sup> Advocates like Sondra Solovay have turned their attention to legal remedies for fat discrimination.

There are many avenues to disrupt anti-fat bigotry, from art to literature to the law and public policy. This disruption is not, however, simply “body positivity,” which is often mostly a marketing tool. Rather, the work that seriously disrupts anti-fat bigotry addresses the myriad ways that popular culture, institutions, interpersonal relationships, and the economy bolster the idea of the thin body as “civilized” with very severe consequences.

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<sup>34</sup>Erin Cameron and Constance Russell, eds., *The Fat Pedagogy Reader: Challenging Weight-Based Oppression Through Critical Education* (New York: Peter Lang Publishing, 2016).

# ANTI-INDIGENOUS BIGOTRY

Judy A. Dow<sup>1</sup>

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Bigotry has been a part of Indigenous People's lives since the arrival of Europeans. Here in Northern Vermont, New Hampshire, and Maine the story is slightly different than much of Northeastern America because our first interaction was with the people trying to establish New France (Canada). First meetings began with the Norse about 900 BP (some say even earlier).<sup>2</sup> In America for the most part, we are talking about contacts being a little over 400 years ago. The tactics used to steal the land were not necessarily the same as those used in America, but the purpose and results were the same: theft of land, and slow elimination of Indigenous People by assimilation or marriage. As Olive Patricia Dickason explains in *A Concise History of Canada's First Nations*, these first meetings happened in three ways: "Collisions, Relationships and Contact." Collisions included transmission of disease, slave trade, trade, and evangelization. The second "first meeting" was building relationships which included intermarriage. The first 100 men to leave France and establish New France (Canada) signed a contract with France to marry Indigenous women living in the "new world." These marriages were strategic: to create financial and other alliances with persons that may have been considered hostile by the settlers. The third "first meeting" was through contact, in which Europeans arrived with their flag in hand following the Doctrine of Discovery to claim the land as belonging to some king and queen from some distant shore regardless of who already lived there. All of these systems to me were tools of genocide, used to eliminate Indigenous people and take their land. To this very day, many of these tools still work to eliminate us and to continue to maintain control of our land.

## Tools/Systems of Genocide and Anti-Indigenous Bigotry

During the 19th and 20th centuries alone, the tools used, under the guise of "civilization," resulted in the institutionalization of Indigenous people, the death of many, the loss of language and homelands, the sterilization of tens of thousands, the breakup of families, history and continuity, and a mentality to survive by hiding in plain sight while being socially reserved. At times our voices appeared to be lost by the weight of time and history. Survival has been difficult.

This section outlines four techniques of anti-Indigenous genocide and bigotry: land theft, erasure of language, eugenics including institutionalization and sterilization, and environmental degradation.

Our relationship with the land is one of recognition of kin, our Mother who provides us with food. If we care for our Mother she will care for us, we are taught. In the Abenaki language, the word for dish is *wlogan*. *Wlogan* is our common pot<sup>3</sup> the place where the land and river form a natural bowl (a floodplain). Nutrients build in this bowl every time the river overflows her bank allowing things to grow well there. This is the place the animals came for food and the place where the community also came for their food, gathering and hunting within these floodplains (*wlogan*) allowed the people to have all their needs met.

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<sup>2</sup>Olive Patricia Dickason, *A Concise History of Canada's First Nations* (Oxford: Oxford University Press, 2006), 21.

<sup>3</sup>Lisa Brooks, *The Common Pot: The Recovery of Native Space in the Northeast* (Minneapolis: University of Minnesota Press, 2008).

These lands, these special bowls of food never once were traded or sold throughout New England. This was quickly noticed by European settlers, who simply stole them, blocking off the food source for the Indigenous people so that they might starve and then using the land to supply food for themselves. This event of taking the wlogan clearly shows the importance colonizers gave to stealing the land and eliminating the Native people. Hatred and elimination towards Indigenous people were the driving force in America in those early years. Additional tools of genocide and bigotry during contact time included deception, paper warfare (treaties), laws, slavery, introduction and use of alcohol as a weapon, the doctrine of discovery, spreading disease (smallpox) and murder.

The European unbending and unreasonable beliefs that this land was theirs for the taking has controlled our lives since their arrival. During the 19th and 20th centuries another genocidal tool and form of bigotry was the elimination of many languages. “Native languages have been in decline for decades; currently Ethnologue lists 245 [I]ndigenous languages in the United States, with 65 already extinct and 75 near extinction with only a few elder speakers left.”<sup>4</sup> Our language is our connection with our Mother, the land; it is our life. To take away our language became the next tool of genocide and bigotry, used in boarding schools as a “civilized tool,” to eliminate our culture, our language was beaten out of us and we were forced to learn the colonizer’s language to survive. This was followed by more lies, relocations, termination, Christianization, miscegenation and more laws, and finally, eugenics and sterilization. These were all tools of genocide based on bigotry and used to take us from our Mother, the land, and place us on the tiny piece of land called a reservation or leave us without any land, while continuing to control our way of life and indoctrinate us into the Catholic Church. Roadblocks involving the land and language were placed at every direction for us not to succeed.

Eugenics in the early 1900s drove Indigenous people underground, led them to self-identify as something other than Indigenous, and thus hiding in plain sight became a way of life.<sup>5</sup> In *Rural Vermont* written by the Vermont Commission on Country Life and published in 1931, it is explained this way: “There is no wonder that concern has been expressed for the future of the state [Vermont] and its hardy pioneer stock. This concern led to the organization in 1925 of the Eugenics Survey of Vermont under the auspices of the University of Vermont. . . . Its purpose was to gather information, as full and accurate as possible, that can be used for social betterment in the state.”<sup>6</sup>

Social betterment for the “pioneer stock” alone that is. This social betterment led to the tracking of 82 French/Indian families, over 6,000 people over at least six generations, many of whom were later sterilized and/or institutionalized. All this because the “pioneer stock” felt threatened of losing land and power. This fear led to constant bigotry.

<sup>4</sup>Lillian Sparks, “Preserving Native Languages: No Time to Waste,” *Administration for Native Americans*, accessed March 9, 2022, <https://www.acf.hhs.gov/ana/preserving-native-languages-article>; David M. Eberhard, Gary F. Simons, and Charles D. Fennig, eds. *Ethnologue: Languages of the World*, Twenty Fifth Edition (Dallas: SIL International, 2022).

<sup>5</sup>Judy A. Dow, “Understanding the Vermont Eugenics Survey and Its Impact Today,” in *Global Indigenous Health: Reconciling the Past, Engaging the Present, Animating the Future*, eds. Robert Henry et al. (Tucson: University of Arizona Press, 2018), 76.

<sup>6</sup>*Vermont Commission on Country Life, Rural Vermont: A Program for the Future* (Burlington: Free Press, 1931), 10.

Nancy Gallagher, author of *Breeding Better Vermonters: The Eugenics Project in the Green Mountain State*,<sup>7</sup> says it best when she quotes Helen M. Judd's "To the Daughters of Vermont in Boston:"

The land where we were born is wondrous fair,  
 An emerald jewel in the iron crown  
 Of the rugged North, fit for a storied place  
 Within the whole earth's royal treasury;  
 Won from the wilderness by our fathers' toil,  
 Sealed ours by their blood and loyalty.

Many early European settlers believed birth right, toil, blood, and loyalty made this land theirs. It's that pull up your boot straps and work hard mentality that will get you everything. When looking at reality, theft of land and bigotry has made this country what it is today!

In *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck*, Adam Cohen states that in 2002, "the governor of Virginia offered a 'sincere apology' for his state's 'participation in eugenics.'"<sup>8</sup> Cohen notes that Virginia's history of eugenics included efforts to supposedly "improve the genetic quality of its population" by "forcibly steriliz[ing] at least 7,450 'unfit' people between 1927 and 1979, more than any other state but California."<sup>9</sup> In California it is estimated that over 20,000 people were sterilized. This tool of genocide became the "civilized way" or the leading scientific way of controlling the Indians and stealing their land. Bigotry was present at every step of the way. Who was determined to be institutionalized and/or sterilized was a subjective decision made by White Anglo-Saxon people. Many decades later this subjectivity and bigotry was what led to Eugenics being labeled a pseudoscience. After this declaration of Eugenics being labeled a Pseudoscience, President Johnson instituted a program to be followed in the late 1960's and early 1970's to continue to sterilize Indigenous women through Indian Health Services any Indian woman that looked to be of full blood. This executive order resulted in thousands of women being sterilized. Can you imagine that if they looked to be a full blood they were sterilized? This is not even conscionable to me.

In 1823, the U.S. Supreme Court issued its decision in *Johnson v. M'Intosh*, which applied the principle of discovery to uphold European settlers' theft of land. In an opinion authored by Chief Justice John Marshall, the Court unanimously held that the principle of discovery gave European settlers "[t]he absolute ultimate title" to land while Indigenous peoples had only a right of "occupancy" which could be taken away.<sup>10</sup> So, in the twenty-first century we now see domination over our lands, the continuation to dominate every part of our land. Because of this, environmental degradation of our lands is everywhere including lands once called Indian Territory, Wyoming, Oklahoma and on reservations. Strip mining, desecration of sacred land, water and air pollution, dams, oil pipelines through reservation land, GMO seeds and depletion of natural resources are all around us. Our ex-president Donald Trump used his executive powers and Trumpery<sup>11</sup> to deplete the land even further, while continuing to limit the

<sup>7</sup>Nancy Gallagher, *Breeding Better Vermonters: The Eugenics Project in the Green Mountain State* (Lebanon: University Press of New England, 1999), 9.

<sup>8</sup>Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck* (London: Penguin Press, 2016), 1.

<sup>9</sup>Cohen, *Imbeciles*.

<sup>10</sup>*Johnson v. M'Intosh*, 21 U.S. 543, 592 (1823); see also Gilder Lehrman, "The Doctrine of Discovery, 1493," Institute of American History, accessed March 9, 2022, <https://www.gilderlehrman.org/history-resources/spotlight-primary-source/doctrine-discovery-1493>.

<sup>11</sup>To me Trumpery is lies, cheating, and deceit in the 21st century.

sovereignty of Native Americans and to gain full dominion over the land, our Mother. Like-thinking people are gathering and growing in this rude and backward way of thinking. Once again fear of losing control is creating bigots in a new generation.

Just days ago, on the day before Thanksgiving, I went to the grocery store. An elderly man approached me and asked to buy ten inches of my hair for \$500.00. After I got over the shock I noticed he was as bald as a cucumber and I promptly told him my hair was not for sale and I walked away quickly. My thoughts have been drawn to this all day, along with the proclamation of 1755 in which Spencer Phips, Lieutenant-Governor and Commander in Chief, in and over His Majesty's Province of the Massachusetts-Bay in New-England. In part of this proclamation it states: "For every Scalp of such Female Indian or Male Indian under the Age of Twelve Years, that shall be killed and brought in as Evidence of their being killed as aforesaid, *Twenty Pounds*."<sup>12</sup>

Over the last couple of days, I couldn't get this out of my mind. I thought about my hair as I groomed it each morning and night placing it tightly into an eighteen-inch braid. My hair is my connection to the land; it is my sense of identity, culture, story, history and self-esteem. One strand of hair is weak and fragile but when my hair is in a braid, I have strength and energy to understand who I am and how I am connected to aki (the land) and Gedakina (the world) around me. The three strands of my braid represent body, mind and spirit, when braided together I'm in balance. What was this man thinking to take my hair? It would be to me the same thing the children placed in boarding schools went through. Immediately after arriving at a boarding school, their hair was cut. Children were bewildered and upset; in some communities to cut your hair meant that you were in mourning over the death of a loved one. In others it meant you had a strong connection with culture, health and success. Cutting the hair of these children meant they had none of these things—they were all gone. Which of course we now know was true. They lost connection with their communities and believed them to be dead, they lost connection with culture, health and success within and for their communities. I was not about to lose control, like these children, by having my hair cut.

## Resisting Anti-Indigenous Bigotry

Education seems to be the answer to helping people understand that their words and actions hurt. So, what would be the next steps? We are all related, and relationships have always been critical to survival. We all have different work to do in the area of anti-bigotry and the work covers a large field of studies, not just one silo of academia. This is why I've included (below) a diverse set of books that I recommend by a diverse set of authors: Indigenous and non-Indigenous.

How do Indigenous people fight this bigotry, hatred and total control of our land, our world and our way of life, along with the historical traumas that have been imposed on us along the way? For the Wabanaki people it has been prophesied that we would lose our land, our way of life, our music and language. And that there would be a period of time when we must try to reclaim it all. Here are some thoughts that I see as a way of bringing back our way of life and beliefs. The time of reclaiming

<sup>12</sup>Spencer Phips, "A Proclamation," (Boston: John Draper, 1755), <https://static1.squarespace.com/static/54f8b4cfe4b0b230c7abfe97/t/5af5c14070a6adc5dcdcc1f4/1526055232289/Shirley+and+Phips+Bounty+Proclamations.pdf>.

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our Traditional Ecological Knowledge is now and Indigenous people must work hard to reclaim their culture and heritage if we are to win over bigotry.

1. Bring back our languages and our connection with the land as kin and our Mother—this reclamation is beginning to surge within Indigenous communities. The Abenaki language in the 1990's had twelve elderly fluent speakers. Now, we have programs in many schools for folks to learn the language. Day by day you see newly discovered and relearned words spoken and appear in public writings. With our help, dictionaries, children's books and coloring books for kids with Indigenous words are popping up everywhere. Zoom classes meet regularly and are widely available. Our words are now appearing in Land Acknowledgements and on signs in our ancient spaces. We must strive to continue this difficult work.
2. Younger people are asking older people about histories and stories. In some cases, elders remember them; in other cases, they are now being printed in books. Our stories are metaphors for events in history that need to be learned from and retold during these uncertain times of climate crisis. Our children need to ask and our elders need to remember. These stories need to be reclaimed and retold to help us grow stronger and fight things like the colonizers' hold on us through drug and alcohol use. For example, the traditional way of handling pandemics of the past was to isolate. As we have rediscovered today, it is still about isolation.
3. Our connection with the land needs to grow at all ages. Reading the land and understanding the story she has to tell can only strengthen our relationship with the land. This relationship will better help us to understand climate changes and the impacts they will have on us in the future. And to understand in a clearer way what our role is to fight the causes of this climate crisis and to survive. We need to provide opportunities for our children to foster good connections with the land and reclaim Traditional Ecological Knowledge.
4. In reestablishing our connection with the land, we will better understand her sacredness, and her respect for us by providing everything we need. And we will develop a sense of respect and reverence for the land. A reciprocal response must be given in return.
5. We must learn once again how to reciprocate for all we take. Finding a balance with what we use from the land is critical for the survival of the land and her people. Understanding the difference between a want and a need is important to a relationship with the land. Our children must be taught the difference.
6. We need to strive to acquire funding to educate our children and protect those that are frail so they will become strong and independent citizens.
7. We need to make sure our children understand the past injustices as explained from their communities' perspectives, so that they can understand today and move forward into the future in a good way.

If Indigenous peoples work on the above suggestions and educate others in a respectful way maybe we—Indigenous and Non-Indigenous—can find balance to make it through this journey we are on together. We got into this mess together; it is going to take everyone working together to get out of it. So, what is the role of the colonizers and those that came to settle this land? What role should they play to help reduce bigotry? Remember we have to do it together.

1. Learn how to give a proper land acknowledgement and embrace it—one that is part of a Truth and Reconciliation process, one that develops a relationship with the land and her Indigenous people, and one where the colonizer understands their place in the story of colonization. This land was stolen and many benefited from that theft. Make a journey connecting with the land and journey with this connection through time and space.
2. We need to dig deep to fight colonization. Our laws, policies and procedures have all been built with a philosophy and language where one culture dominates over another. There needs to be balance and folks need to understand the role that language plays on our life ways and our self-esteem. There is “danger in a single story”<sup>13</sup> and colonizers/settlers need to understand this. Our laws need to be changed to find balance. This would be true democracy. You can help make this happen.
3. The very root of colonization and land theft lies in the belly of bigotry. There needs to be education around this. People need to know that the Pilgrims came seeking freedom of religion, but only for themselves. If you look at the issue from an Indigenous perspective, we already had freedom of religion and the colonizers took it away. Our freedoms were never even considered. That must be recognized, change must happen and you can help. In addition, “Expansion” and “Westward Movement” continued to colonize this land in the name of economy, this too must be acknowledged. Economy does not make the land sustainable.
4. An open dialogue around different perspectives and points of view needs to occur with our combined histories. We cannot continue to teach our children history from one perspective only—that of the colonizer/settlers. Together we can make this happen, divided bigotry will continue.
5. Colonizers/settlers need to play a role in this education and reclamation of language and Indigenous life ways. They need to work with us to help find balance and behaviors that allow us to walk in one-mind gently on this land.
6. Colonizers/settlers need to stop making this a binary story. Many cultural groups have been offended, impacted and hurt by bigotry. They need to acknowledge this exists and not make bigotry a black and white issue or simply ignore it thinking it will go away. To continue to do this makes other groups invisible and the cycle of pain continues. Their offenses (theft of Land) need to be acknowledged.

<sup>13</sup>Chimamanda Ngozi Adiche, *The Danger of a Single Story*, filmed 2009, TED video, 18:33, [https://www.ted.com/talks/chimamanda\\_ngozi\\_adichie\\_the\\_danger\\_of\\_a\\_single\\_story?language=en](https://www.ted.com/talks/chimamanda_ngozi_adichie_the_danger_of_a_single_story?language=en)

7. In addition, the colonizers need to work on the above goals listed for Indigenous people. Helping us in any way they can to accomplish our goals.
8. Child welfare laws need to change to better protect our children from losing their life ways, heritage and culture. Reasonable financial support from the Government needs to be there to help us keep our children within the community they now belong to.
9. We need continued research to find and relocate the remains of our children that were murdered and buried in secrecy at boarding schools and orphanages throughout this country.
10. We need to help those children separated from their families during the Sixties Scoop<sup>14</sup> and beyond, reconnect with their Indigenous family and community. We need to do this in order to put this history behind us, heal and move forward. The cycle of historical trauma must be stopped and you can help.
11. Good, trustworthy, health care needs to be available through Indian Health Services. Our treaties need to be abided by and honored to provide both good health and education for the people. As it is now, treaties are broken daily.
12. The U.S. government laws need to be changed so that we can prosecute those persons who cause harm and death to people living on Reservations. As it stands now, nothing or very little is being done with our nearly 6,000 missing and murdered women in areas where man camps are built to provide movement forward with oil pipes. Economy cannot always come first.
13. Cultural humility must exist within the law and court systems and businesses.
14. We need adequate funding to help our people that are in crisis including dealing with addiction, rape, abuse, high suicide rates, and poverty.
15. We need to support our youth; their suicide rates are too high. We need funding to educate them in ways that we know are best practices. We need to make them healthy in mind, body and spirit once again so they can take pride in their heritage and stand up to bigotry. You can help turn this around.
16. We don't need mascots or other derogatory stereotypes hitting us in the face every time we try to relax at a sports event or attend school. These signs of bigotry must be stopped now.
17. We need equality within our schools, businesses and governmental positions that impact our daily lives.

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<sup>14</sup>The "Sixties Scoop" is a term used to refer to Canadian child welfare policies enacted from the mid-1950s through the early 1980s that removed thousands of Indigenous children from their families and placed them in foster homes, to be adopted out to white families in Canada and the United States. The Sixties Scoop had a substantial impact on Indigenous peoples in the United States. I have heard stories of people who fled to the United States' side of the Canadian border to avoid the Sixties Scoop, and some children brought to the United States during the Sixties Scoop are still searching for their identities. For further information see Christopher Dart, "The Sixties Scoop Explained," *CBC Docs POV, Canadian Broadcasting Corporation*, accessed March 9, 2022, <https://www.cbc.ca/cbcdocs/pov/features/the-sixties-scoop-explained>; Donna Carreiro, "The Time They Took Us Away: Faces of the Sixties Scoop," *CBC News*, Oct. 9, 2016, <https://www.cbc.ca/news/canada/manitoba/the-time-they-took-us-away-faces-of-the-sixties-scoop-1.3787709>.

## Recommended Sources in Solidarity and With Gratitude

The books I've recommended below are not all Indigenous books because it will take many voices talking about many different areas of study to solve the issues of bigotry in this country. With that said I recommend every book Kyle Mays has suggested, and I offer a few more.

**Shervin Venet, Alex. *Equity-Centered Trauma-Informed Education*. New York: W.W. Norton and Company Inc., 2021.**

Policies need changing around the world today. They need clarification, understanding and many voices. Some of the best questions I've found to guide us in looking at policy change come from this book. Venet suggests changing systems not kids. Our most precious gift in life are our children. We must care and protect them. Ask yourself these questions that Alex presents in her book about looking at a policy. Even though her questions are about policies on trauma-informed education they are clearly relevant for anti-bigotry policies.

1. "What are the philosophical assumptions behind this policy?"
2. "Does this policy run the risk of being inequitably enforced based on the implicit or explicit bias of individual teachers or administrators?"
3. "What cultural values or norms are expressed in this policy? Are there assumptions of what is good, bad, appropriate or inappropriate in this policy?" [I personally would add, are there assumptions about history— is it a one-sided story?]
4. "As we currently enforce it, does this policy impact groups of students differently? Does this policy disproportionately affect students of color, students with IEPs, or English-language-learner students?" [Many times, students with IEPs and English language learners are people of color.]
5. "Does this policy unfairly hold students accountable for factors outside of their control (e.g. access to money, resources, time outside of school)?"
6. "How does this policy connect to our current understanding of trauma, safety and mental health?"
7. "What unspoken lessons does this policy teach students, staff and caregivers?"<sup>15</sup>

**Wilkerson, Isabel. *Caste: The Origins of Our Discontents*. New York: Random House, 2020.**

We must understand that this country called America was built on a Caste system from the beginning. Indigenous people were at the bottom of this system enslaved from the minute their land was stolen. Knowing the past can help you to understand today and direct the future in a good way. I recommend reading, because it helps me to know the past so that I can better understand today and direct the future in a good way. As Wilkerson states:

<sup>15</sup>Alex Shervin Venet, *Equity-Centered Trauma-Informed Education*, eds. Cheryl E. Matias and Paul C. Gorski (New York: W.W. Norton and Company Inc., 2021), 149-50.

When we go to the doctor, he or she will not begin to treat us without taking our history—and not just our history but that of our parents and grandparents before us. The doctor will not see us until we have filled out many pages on a clipboard that is handed to us upon arrival. The doctor will not hazard a diagnosis until he or she knows the history going back generations . . . Few problems have ever been solved by ignoring them.

Looking beneath the history of one's country is like learning that alcoholism or depression runs in one's family or that suicide has occurred more often than might be usual or, with the advances in medical genetics, discovering that one has inherited the markers of a BRCA mutation for breast cancer. You don't ball up in a corner with guilt or shame at these discoveries. You don't, if you are wise, forbid any mention of them. In fact, you do the opposite. You educate yourself. You talk to people who have been through it and to specialists who have researched it. You learn the consequences and obstacles, the options and treatment. You may pray over it and meditate over it. Then you take precautions to protect yourself and succeeding generations and work to ensure that these things, whatever they are, don't happen again.<sup>16</sup>

**Dow, Judy. "Going Through the Narrows." Potash Hill (Spring 2019).**

<https://potash.emerson.edu/2019/spring/narrows>.

We are in a climate crisis. We are going through the narrows from a world we know intimately into a world that will be unfamiliar and where all systems that we know today will be broken. Into a world where bigotry is the rule of law. This has been prophesized in most Native American communities. Crossing the narrows between the two worlds will be difficult. Many will not make it, those with money will be able to buy their way into the new world. Of course, this is problematic for those that have not, they will struggle. "Going Through the Narrows" by Judy Dow explains the difficult struggle that the people and the land will experience, the world of those that have and those that have not.

**Edited by Johnson, Ayana Elizabeth and Wilkinson, Kathrine K. *Save: Truth and Courage, and Solutions for the Climate Crisis*. New York: Penguin Random House, 2020.**

The chapter titled "Calling In," written by Xiye Bastida, explains

Our local representatives should pay attention to every opportunity to reverse the policy and economic conditions that put your communities and ecosystems in peril. That's why we, as youth, lobby at the local level. You can do it too. Go to your state capitol and tell your representatives: "The climate crisis is an issue that we care about, and you need to represent that in your policy."

It's time to change our mindset toward implementing solutions. A vibrant, fair, and regenerative future is possible—not when thousands of people do climate justice activism perfectly but when millions of people do the best they can.<sup>17</sup>

<sup>16</sup>Isabel Wilkerson, *Caste: The Origins of Our Discontents* (New York: Random House, 2020), 13.

<sup>17</sup>Xiye Bastida, "Calling In," in *Save: Truth and Courage, and Solutions for the Climate Crisis*, eds. Ayana Elizabeth Johnson and Kathrine K. Wilkinson (New York: Penguin Random House, 2020), 7.

Today, this is the most current threat to our land theft and way of life. We must work as one-minded people to make changes in our carbon footprint. Climate crisis is a survival issue for everyone. Embracing bigotry will delay this work.

**Oluo, Ijeoma, *So you want to talk about race*. New York: Seal Press, 2018.**

Here Oluo explains that when it comes things in life for people of color, “[r]arely is there only one factor or viewpoint in a serious issue. Things are never cut-and-dry.” She goes on to explain nothing is simple when talking about race, and then proceeds to give us three basic rules, stressing that these are about as basic as you can get. Here are Oluo’s basic rules. These rules stand out for me because bigotry has so many hidden sides to it, and they sometimes hide under the guise of “race.”

1. It is about race if a person of color thinks it is about race.
2. It is about race if it disproportionately or differently affects people of color.
3. It is about race if it fits into a broader pattern of events that disproportionately or differently affect people of color.<sup>18</sup>

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<sup>18</sup>Ijeoma Oluo, *So You Want to Talk about Race* (New York: Seal Press, 2019), 14-15.

# ANTI-INDIGENOUS BIGOTRY

Kyle T. Mays, Ph.D.<sup>1</sup>

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## Anti-Indigenous Bigotry: An Introduction

In the 1820s, French aristocrat Alexis de Tocqueville traveled throughout the young United States documenting how democracy functioned in this new society. Traveling from the Northeast to the Deep South, this deep ethnography of a nation-state and the meaning of democracy would be published in the now important, *Democracy in America* (1835). While historians and political theorists repeatedly cite the many pages in which he discusses political theory, they often ignore the importance of the chapter on the three races; that is, how Tocqueville believed Black, Indigenous, and white Americans would live collectively on this land. He didn't think that it was possible long-term. Tocqueville concluded that Black people would forever be oppressed and Indigenous peoples would ultimately disappear because white Americans deemed both of these groups as inferior.<sup>2</sup> Unfortunately, the ongoing discourse of Indigenous peoples' inevitable disappearance remains a core feature of American life.

Anti-Indigenous bigotry has been a foundational ideology and practice in the creation of U.S. democracy. Through wars, genocide, land expropriation, a violation of treaties, and now the fact that many Americans know little to nothing about contemporary Indigenous life demonstrates the profound impact that structural bigotry has shaped the thoughts and policies of non-Indigenous peoples. But first, we want to define anti-Indigenous bigotry in structural terms.

When defining anything about the experiences of Indigenous peoples, we must first deal with the question of land, in particular settler colonialism. Historian Roxanne Dunbar-Ortiz argues that settler colonialism is “the founding of a state based on the ideology of white supremacy, the widespread practice of African slavery, and a policy of genocide and land theft.”<sup>3</sup> Moreover, settler colonialism is the idea that settlers come from a foreign land without permission, occupy Indigenous people's land with the goal of eliminating the Indigenous population. Importantly, the settler population's goal is to dispossess the Indigenous population of their land and personhood. Thus, anti-Indigenous bigotry is the land usurpation, laws, policies, and meta-narratives that persist in telling the general American public that Indigenous peoples are no longer here, and they died a long time ago. In this way, it is not only about the loss of land but the creation of narratives that further the ongoing process of settler colonialism and anti-Indigenous bigotry. It is an ongoing and persistent practice buoyed by the settler state in education, policies, and in popular culture.

Narratives of dispossession have long shaped the relationship between Europeans and Indigenous nations prior to the creation of the United States. Through narratives of discovery, European writers “performed discovery, and advanced claims of possession, by identifying, naming, and describing the people and places of the New World.”<sup>4</sup> In doing so, this discourse “appropriated indigenous people and

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<sup>2</sup>Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence, ed. J.P. Mayer (New York: HarperCollins, 2006), 320.

<sup>3</sup>Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 2.

<sup>4</sup>Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America*, eds. Daniel K. Richter et al. (Philadelphia: University of Pennsylvania Press, 2012), 36.

space by placing them under the gaze of Atlantic World empires.”<sup>5</sup> These narratives of dispossession were not only imagined in Europe for the purposes of colonization, but seamlessly merged into the fabric of American democracy.

The idea of the “vanishing Indian” has been an essential mechanism through which U.S. democracy has developed. It was about creating notions of civilized and uncivilized, or who should belong and who cannot; it is about creating fictional boundaries of who has the right to full citizenship and who does not.<sup>6</sup> Indeed, even civil and human rights activist Martin Luther King Jr. understood that the foundations of structural bigotry were rooted in Europeans’ decimation of Indigenous peoples. King wrote in *Why We Can’t Wait* (1964), “[o]ur nation was born in genocide when it embraced the doctrine that the original American, the Indian, was an inferior race. Even before there were large numbers of Negroes on our shores, the scar of racial hatred had already disfigured colonial society.”<sup>7</sup> King correctly asserted that “[o]ur literature, our films, our drama, our folklore all exalt” the bigotry experienced by Indigenous peoples within popular culture.<sup>8</sup> King describes here what historian Philip Deloria has labeled “playing Indian,”—a phenomenon in which white Americans have performed or dressed up as Indigenous peoples at different stages in U.S. history.<sup>9</sup> They “played Indian” in order to construct themselves as white and as a democracy, similar to how they constructed their notion of belonging through Black Americans.

The problem of anti-Indigenous bigotry will persist as long as we don’t come to terms with the longer history of Indigenous dispossession. If we are truly to recognize Indigenous peoples today, we need to understand history, require teaching Indigenous history and contemporary culture in K-12, and honor the treaties. Non-Indigenous Americans must understand the concept of Indigenous sovereignty. Finally, a public apology backed by federal will to stop the production of pipelines would further the cause of Indigenous sovereignty and will assist greatly in allowing Indigenous nations to thrive.

## The Sites of Anti-Indigenous Bigotry

The sites of anti-Indigenous bigotry are wide and vary, given that there are over 500 federally recognized tribes, hundreds of state-recognized tribal nations, and many non-recognized nations. But if we could sum up three core areas where this bigotry happens on a large scale we would argue that it happens in the areas of permanence, property, and pervasiveness. Anti-Indigenous bigotry is a permanent feature of American culture, politics, and society at large. How we understand private property and how it is accumulated in the long history of Indigenous land usurpation. Anti-Indigenous bigotry, or the invisibility of Indigenous peoples is so pervasive that many Americans hardly even know anything about Indigenous peoples, often assuming that we all live on reservations. Even immigrants who have escaped violence or simply sought new opportunities—the American Dream—perpetuate Indigenous erasure. The circumstances that displaced refugees or others forced to travel to the U.S. and settle

<sup>5</sup>Witgen, *An Infinity of Nations*, 36.

<sup>6</sup>Jean M. O’Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England*, eds. Robert Warrior and Jace Weaver (Minneapolis: University of Minnesota Press, 2010), xiii.

<sup>7</sup>Martin Luther King, Jr., *Why We Can’t Wait* (New York: Signet Books, 1964), 120.

<sup>8</sup>King, *Why We Can’t Wait*, 120.

<sup>9</sup>Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 191.

because of U.S. Empire in their home countries should consider also their relationship to Indigenous nations. The question they should ask themselves, though, is what is my relationship to Indigenous nations and how can I feel safe and still critically interrogate American exceptionalism. Using phrases such as “We are a nation of immigrants” might sound nice, but it erases Indigenous peoples, the original people of the land, upon whom others have now settled.<sup>10</sup>

**Property.** Because the United States is built on coercing Indigenous peoples out of land for the expansion of the U.S. nation state, the idea of private property is rooted in Indigenous land theft, which continues into the present. Legal scholar Cheryl Harris argues that the creation of notions of whiteness as the defining feature of property in the United States was based on race, and these notions were amalgamated by two historical facts: the dispossession of Indigenous peoples and the enslavement of Africans.<sup>11</sup>

**Permanence.** The dispossession of Indigenous people from their land is at the root of anti-Indigenous bigotry. Because the United States remains occupied Indigenous land, until it is returned, there will continue to be anti-Indigenous bigotry. At the very least, the United States could honor and respect the treaties that they made with Indigenous peoples. Without honoring the treaties, the United States makes clear that Indigenous livelihood and futures within the U.S. hardly matter.

**Pervasiveness.** The pervasiveness of anti-Indigenous bigotry is fundamental to U.S. popular culture. From the Boston Tea Party where colonists dressed up as Mohawks to form their own protest to the ongoing debate around Indigenous mascots today, the denigration of Indigenous peoples is as American as cherry pie. We can look no further than the 2021 World Series between the Atlanta Braves and the Houston Astros. Indigenous activists have been protesting to convince the Atlanta Major League Baseball franchise to change their name for decades. When former president Donald Trump attended a game, he egged on the crowd and performed the tomahawk chop—a racist mockery of how Indigenous peoples are supposed to act.<sup>12</sup> However, the fans do this at every home game to the sounds of drums, and it illustrates how ubiquitous American Indian play remains—something that all races have contributed to. Like blackface and minstrelsy, playing Indian has been a defining characteristic of cultural production in U.S. society. Until Indigenous peoples have positive representations in society, until they can be their full selves without the threat of stereotypes, these meta-narratives of Indigenous peoples being only a part of the past will remain a part of the American fabric.

<sup>10</sup>Roxanne Dunbar-Ortiz, *Not “A Nation of Immigrants:” Settler Colonialism, White Supremacy, and a History of Erasure and Exclusion* (Boston: Beacon Press, 2021), xiii.

<sup>11</sup>Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 1714.

<sup>12</sup>Nick Selbe, “Donald Trump Participates in Tomahawk Chop During Game 4 of World Series,” *Sports Illustrated*, October 30, 2021, <https://www.si.com/mlb/2021/10/31/donald-trump-does-tomahawk-chop-game-4-world-series>.

## A Recommended List of Sources

**Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998).**

Deloria's concept of playing Indian argues that white Americans constructed their concept of self—as American—through their ideas about Indigenous peoples. From the Boston Tea Party to the anxieties of urban development in the late 19th century to the counter culture of the 1960s, Deloria illustrates the pervasiveness of this type of performance. He ultimately argues that whenever white Americans feel some type of anxiety about their country, they return to the idea of the “Noble Savage” as a foil to construct their own sense of self.

**Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014).**

This bestselling book argues that settler colonialism is a defining feature of American history. From the campaigns of Andrew Jackson to contemporary U.S. militarism, the genocide against Indigenous peoples not only shapes our past but exists well into the present through ongoing militarism around the world. A must read for anyone interested in exploring how Indigenous genocide has shaped the core of American history.

**Roxanne Dunbar-Ortiz, *Not “A Nation of Immigrants:” Settler Colonialism, White Supremacy, and a History of Erasure and Exclusion* (Boston: Beacon Press, 2021).**

Within today's society, immigrants from a variety of countries often say, “we are a nation of immigrants” as a gesture to state that the United States welcomes everyone. In doing so, they erase Indigenous peoples and the long, ongoing history of settler colonialism. Award-winning historian Dunbar-Ortiz explores this ideology, from Irish immigrants to African descended peoples to Latinx folks, in order to dispel this persistent myth in American culture.

**Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 1710–91.**

This profound article demonstrates how notions of property were rooted in race, in particular whiteness in early America. In order for whiteness to develop, in addition to their conception of property, white people needed a foil. They developed these notions of property and race through the dispossession of Indigenous peoples and the enslavement of Africans in order to define who could belong and who could not as citizens.

**Jessica Hernandez, *Fresh Banana Leaves: Healing Indigenous Landscapes through Indigenous Science* (Berkeley: North Atlantic Books, 2022).**

Jessica Hernandez writes a profound book about navigating multiple colonial systems in the U.S., Central America, and Mexico, as an Indigenous scientist. Using personal narratives and basing part of it on her father's experiences as a child soldier, she demonstrates how, as an Indigenous scientist, it is essential to incorporate Indigenous knowledge into western knowledge systems about the environment in order to create a more holistic approach to environmental justice.

**Kyle T. Mays, *An Afro-Indigenous History of the United States* (Boston: Beacon Press, 2021).**

Beginning with pre-Revolutionary America and moving into the movement for Black lives and contemporary Indigenous activism, Afro-Indigenous historian Mays argues that the foundations of the U.S. are rooted in antiblackness and settler colonialism, and that these parallel oppressions continue into the present. He explores how Black and Indigenous peoples have always resisted and struggled for freedom, sometimes together, and sometimes apart. Whether to end African enslavement and Indigenous removal or eradicate capitalism and colonialism, Mays show how the fervor of Black and Indigenous peoples' calls for justice have consistently sought to uproot white supremacy.

**NDN Collective, "Land Back." <https://landback.org/> (accessed 4 April 2022).**

It is a political framework that works toward returning land back to Indigenous peoples. The Land Back campaign is designed to imagine a world where Black, Indigenous, and People of Color can live together on Indigenous land.

**Jean O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010).**

Jean O'Brien argues that, in the Northeastern United States, white Americans manufactured the idea of the "vanishing Indian" by writing stories that suggested that they founded various places. In so doing, these narratives served as the mechanism through which notions of citizenship and belonging were created. Moreover, it suggested that Indigenous nations did not have a place in the developing U.S. nation-state.

**Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021).**

This important book explores the relationship between African Americans and Indigenous nations in Indian Country during the post-Reconstruction era. She explores the history of Reconstruction through the experiences of African Americans who actually received the "40 Acres and a Mule," white settlers, and Indigenous nations.

**Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (New York: W. W. Norton & Company, 2020).**

The dispossession of Indigenous peoples is a fundamental part of how the U.S. was created. However, the financial scale and severe loss of land in the creation of the United States is rarely considered together. Through this careful study, historian Claudio Saunt analyzes how the removal of Indigenous people in the U.S. south was buoyed by government officials, southern planters, and northern land speculators.

**Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017).**

Simpson's book is a call for action to radically transform Indigenous people's relationship with the settler state. Though speaking mostly from the settler state of Canada, this remarkable book explores

the possibilities of Indigenous resurgence, and asks us to build on Indigenous traditions in order to create a future free of settler colonialism, white supremacy, and heteropatriarchy.

### **Disrupting Anti-Indigenous Bigotry: Steps Forward**

Given what I have outlined here, it remains a tall task in disrupting and eliminating anti-Indigenous bigotry. However, listed below are several steps that could be taken to move us in the right direction.

1. Eliminate all anti-Indigenous mascots, names of teams, at sporting events and high schools. The research is clear: the use of mascots is detrimental to the self-esteem of Indigenous youth.<sup>13</sup> This, of course, won't fully eliminate anti-Indigenous bigotry but it will help educate all people that this isn't right.
2. End the construction of pipelines that go through Indian Country. This isn't just an Indigenous issue but an issue for all Americans.
3. Better serve urban Indigenous communities. In spite of the fact that the majority of Indigenous peoples live in cities across the U.S., there remains a dearth of social science data on their existence. Those communities need more federal dollars, which will require more research on the history, experiences, and everyday lives of urban Indigenous people.
4. Make lessons on Indigenous history and contemporary culture mandatory for K-12 education. Federal funds could be used to teach Americans about the concept of sovereignty and how tribal nations are distinct nations.
5. Create a federally funded campaign that tells the American public about contemporary Indigenous peoples. Include resources for campaigns in popular culture. We could especially benefit from private corporations like Netflix and Hulu, among others, allowing Indigenous creators to produce more Indigenous-centered content.
6. In general discourse, stop referring to Indigenous peoples in the past tense.
7. Federal recognition of state-recognized tribes and those seeking recognition. And this should be led by a variety of Indigenous peoples.
8. The lack of housing for Indigenous peoples in urban contexts is a core issue. Urban homelessness is a concern for Indigenous peoples, and we need more federal dollars that can help fund urban Indian centers to assist them in helping their constituents.
9. Missing and Murdered Indigenous Women (MMIW). The concern of violence toward, queer, non-binary, and Missing and Murdered Indigenous women and trans-women is an important topic in Indian Country. We need more resources to provide safety for vulnerable populations.

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<sup>13</sup>Stephanie A. Fryberg et al., "Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots," *Basic and Applied Social Psychology* 30 (2008): 208-18.

# ANTI-LATINX RACISM

*Mark D. Ramirez, Ph.D. and Lourdes M. Rosado, Esq.<sup>1</sup>*

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## Introduction

Latinx people are the second-largest racial or ethnic group in the U.S. During the last decade, the Latinx community accounted for about 50 percent of the nation's population growth according to the United States Census Bureau.<sup>2</sup>

In 1976, the U.S. Congress passed Public Law 94-311, recognizing Americans of Spanish origin or descent as anyone tracing their ancestry “from Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish-speaking countries.”<sup>3</sup> Today's Latinx population in the U.S. roughly encompasses these same populations, although “Latinx” commonly refers to a subjective pan-ethnic identity that coexists alongside identification with national origins as well as potentially other racial and nationalist group identities.

One notable aspect of Public Law 94-311 is its recognition that Latinx communities have “made significant contributions to enrich American society and have served their Nation well in time of war and peace.” It also states that significant portions of these communities “suffer from racial, social, economic, and political discrimination.”<sup>4</sup> Contemporary structural bigotry exists in the same areas identified by Congress decades ago, and permeates U.S. social, economic, and political institutions. Central to the structural bigotry facing the Latinx community is the nation's outdated and inefficient immigration system, which is held hostage by irrational fears, anti-Latinx sentiment, and political grifters, and which hampers the nation's ability to adequately rely on immigrants in a mutually beneficial manner. The nation's immigration system is out of touch with the nation's core values of equality and immigrant incorporation. In addition, it contributes to other forms of structural bigotry in the areas of education, housing, criminal justice, and voting rights, among others. Thus, the sources of structural bigotry are interconnected, suggesting that reforms must be intersectional rather than piece-meal.

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<sup>2</sup>Luis Noe-Bustamante, Mark Hugo Lopez, and Jens Manuel Krogstad, “U.S. Hispanic Population Surpassed 60 Million in 2019, but Growth Has Slowed,” *Pew Research Center*, updated July 7, 2020, <https://www.pewresearch.org/fact-tank/2020/07/07/u-s-hispanic-population-surpassed-60-million-in-2019-but-growth-has-slowed/>.

<sup>3</sup>Act of June 16, 1976, Pub. L. No. 94-311, 90 Stat. 688.

<sup>4</sup>Act of June 16, 1976, Pub. L. No. 94-311, 90 Stat. 688.

## Part I: Laws, Policies, and Institutions That Perpetuate Anti-Latinx Bigotry

Federal, state, and local entities, both public and private, contribute to the segregation and unequal treatment of the U.S. Latinx population. These forms of bigotry span social, economic, and political spheres that often reinforce one another. This Part focuses on some of the most egregious instances of structural bigotry against Latinx populations in the areas of immigration and immigrant rights, education, housing, policing and mass incarceration, and voting rights and redistricting.

### Immigration and Immigrant Rights

Immigration is one of the key issues facing the Latinx community. Prior to the passage of the 1965 Immigration and Naturalization Act, 84 percent of immigrants within the U.S. were born in European countries, Canada, or other North American countries, while about 9 percent were from Mexico and Latin America.<sup>5</sup> Today, immigrants from Europe, Canada, and other North American countries make up around 13 percent of U.S. immigrants, while 50 percent derive from Mexico and Latin America. Continued immigration is second to new births in driving the Latinx population to 62.1 million in 2020, which makes Latinx the largest minority group within the U.S.<sup>6</sup> With approximately 19 million foreign-born Latinx currently living within the U.S., the Latinx immigrant community is disproportionately affected by immigration policies and particularly selective deportation.<sup>7</sup> Some estimates suggest that every 9 out of 10 deportations are members of the Latinx community.<sup>8</sup>

Throughout U.S. history, the U.S. economy has been dependent on Latinx immigrants, which has led to their active recruitment through various temporary guest worker programs and lax border policies. This has also resulted in historical periods during which immigration officials selectively enforced U.S. immigration law in order to keep immigrants working within the country. Such periods have been juxtaposed with periods of anti-Latinx sentiment and xenophobia fueling fear campaigns, social exclusion, mass deportations,<sup>9</sup> physical violence, and lynchings.<sup>10</sup>

The impact of immigration for Latinx communities is widespread. Unwelcoming immigration policies and deportations break up families and prevent people from seeking social services, health care, police protection, and housing opportunities. These policies also hinder educational opportunities for Latinx children and can lead to interpersonal discrimination, fear, anxiety, and undue stress regardless of documentation status.

<sup>5</sup>Abby Budiman et al., "Facts on U.S. Immigrants, 2018," *Pew Research Center*, August 20, 2020, <https://www.pewresearch.org/hispanic/2020/08/20/facts-on-u-s-immigrants/>.

<sup>6</sup>See Jens Manuel Krogstad and Luis Noe-Bustamante, "Key Facts About U.S. Latinos for National Hispanic Heritage Month," *Pew Research Center*, updated September 9, 2021, <https://www.pewresearch.org/fact-tank/2021/09/09/key-facts-about-u-s-latinos-for-national-hispanic-heritage-month/>.

<sup>7</sup>Adam Goodman, *The Deportation Machine: America's Long History of Expelling Immigrants* (Princeton: Princeton University Press, 2020), 6.

<sup>8</sup>Goodman, *The Deportation Machine*, 6.

<sup>9</sup>Goodman, *The Deportation Machine*, 6-7.

<sup>10</sup>Richard Delgado, "The Law of the Noose: A History of Latino Lynching," *Harvard Civil Rights-Civil Liberties Law Review* 44, no. 2 (Summer 2009): 298-300.

Various institutions, laws, and processes contribute to structural bigotry toward Latinx communities at points of entry and within the U.S. Latinx immigrants are subject to discriminatory and conflicting implementation of immigration laws with the inhumane treatment of immigrants at the southern U.S. border. This discrimination often takes the form of inhumane treatment of immigrants at points of entry, detention, and during legal processes. There is a failure among U.S. policy-makers and the public to recognize privileges that past white European groups had in earlier waves of immigration. The Latinx community as a whole is also subject to racial profiling by federal immigration authorities, such as Immigration and Customs Enforcement.

Structural bigotry within U.S. immigration processes includes immigrant quotas based on national origin, static immigration quotas that are unlinked to economic growth, and the prevention of immigrant spouses and dependents from working while living within the U.S. Latinx communities are also adversely affected by the backlog of immigrants on the U.S. State Department's waitlist for family- and employer-related immigrant visas. Latinx immigrants are also discriminated against by the lack of due process during immigration hearings and throughout the deportation process, including the lack of legal representation.

Structural bigotries also plague the enforcement of U.S. immigration policy. The ability of the U.S. president to selectively enforce immigration laws including banning immigrants from specific countries without due process often results in harsher treatment of Latinx immigrants. Latinx immigrants are also unduly burdened by the detention of undocumented persons by state and local law enforcement agencies that then deliver individuals into federal custody, even though local law enforcement is not authorized under state and local laws to detain such persons. Discrimination also occurs from the sharing of information about immigrants and undocumented persons by state and local law enforcement agencies and various public agencies with federal immigration agencies, despite the fact that such information-sharing is not authorized under state and local laws.

## Education

Government and private actors have denied—and continue to deny—Latinx children access to education and have segregated them into low-performing schools on various bases, including national origin, skin color, language, immigration status, and income.<sup>11</sup>

Public schools are highly segregated by race and ethnicity. In the last five decades, America's public school system witnessed dramatic shifts in its student body composition: its proportion of white students fell sharply from 79.1 percent in 1970 to 47.1 percent in 2018, while the Latinx student

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<sup>11</sup>See, e.g., *New York v. Utica City School District*, 177 F. Supp. 3d 739, 744–45 (N.D.N.Y. 2016) (describing school district's policy that funneled limited English proficient students into separate educational program and denied them opportunities given to non-immigrant and English proficient students); *Plyler v. Doe*, 457 U.S. 202, 205 (1982) (challenging Texas policies that withheld school funding for undocumented children and authorized school districts to deny admission to such students); *Aspira of New York, Inc. v. Board of Education of City of New York*, 423 F. Supp. 647, 648–49 (1976) (finding New York City Board of Education in contempt of court order requiring provision of bilingual education); *Serna v. Portales Municipal School*, 499 F.2d 1147, 1153–54 (10th Cir. 1974) (holding that school district's curriculum discriminated against limited English proficient students); *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, 11–16 (1973) (challenging school funding policy that caused lower-income, predominantly Mexican-American communities to receive less funding); *Westminster School District of Orange County v. Mendez*, 161 F.2d 774, 776 (9th Cir. 1947) (describing school district policy segregating Latinx students).

population soared from 5.1 percent to 27.1 percent.<sup>12</sup> Many Latinx students attend schools where they constitute 55 percent of the student population<sup>13</sup> Further, one out of every nine Latinx student attends an intensely segregated school.<sup>14</sup> Intensely segregated schools are also six times as likely to be predominantly high poverty schools.<sup>15</sup> Latinx and other students of color in intensely segregated schools “are more than four times as likely to be in predominantly poor schools than their [white] peers.”<sup>16</sup> Notably, high poverty schools suffer worse educational outcomes.<sup>17</sup>

The lack of language access poses another barrier to educational access and success.<sup>18</sup> “Roughly 3.8 million students in U.S. schools are native Spanish-speakers who are not proficient in English. They make up the bulk of the approximately 5 million students nationwide identified as English language learners . . . the lowest-performing [group of students], as judged by achievement tests and graduation rates.”<sup>19</sup>

Numerous problematic laws, policies, and institutions prevent Latinx students from meaningfully accessing a high-quality education. For example, state and local governments, including local school boards, will improperly require families to produce documentation of citizenship or immigration status before enrolling their children in public schools, and divert immigrant children, and those with Limited English Proficiency (LEP), into alternative programs that do not provide a pathway to a high school diploma and erect barriers to their enrollment in mainstream educational programs. Further, Latinx and other children of color are significantly underrepresented in magnet schools and gifted and talented programs, in large part due to high stakes testing requirements to gain admission.

<sup>12</sup>Gary Orfield and Danielle Jarvie, *Black Segregation Matters School Resegregation and Black Educational Opportunity* (Los Angeles: The Civil Rights Project/Proyecto Derechos Civiles, 2020), 19, <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/black-segregation-matters-school-resegregation-and-black-educational-opportunity/BLACK-SEGREGATION-MATTERS-final-121820.pdf>.

<sup>13</sup>Gary Orfield and Chungmei Lee, *Historic Reversals, Accelerating Resegregation, and the Need for New Integration Strategies* (Los Angeles: The Civil Rights Project/Proyecto Derechos Civiles, 2007), 24, <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/historic-reversals-accelerating-resegregation-and-the-need-for-new-integration-strategies-1/orfield-historic-reversals-accelerating.pdf>.

<sup>14</sup>See Erica Frankenberg, Chungmei Lee, and Gary Orfield, *A Multiracial Society with Segregated Schools: Are We Losing the Dream?* (Cambridge: The Civil Rights Project, 2003), 5, <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/a-multiracial-society-with-segregated-schools-are-we-losing-the-dream/frankenber-multiracial-society-losing-the-dream.pdf>; see also Gary Orfield and Chungmei Lee, *Why Segregation Matters: Poverty and Educational Inequality* (Cambridge: The Civil Rights Project, 2005), 13, <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/why-segregation-matters-poverty-and-educational-inequality/orfield-why-segregation-matters-2005.pdf> (“[C]lose to a million Latino students attend schools that are almost all [students of color] compared to less than ten thousand white students.”).

<sup>15</sup>Frankenberg, Lee, and Orfield, *A Multiracial Society with Segregated Schools*, 35; see also Orfield and Lee, *Historic Reversals*, 20 (“[E]conomic polarization is now evident for both white and nonwhite children, but concentrated poverty hits [mostly] nonwhite schools.”).

<sup>16</sup>See Orfield and Lee, *Historic Reversals*, 21.

<sup>17</sup>Orfield and Lee, *Historic Reversals*, 5, 18 (“On average, segregated [nonwhite] schools are inferior in terms of the quality of their teachers, the character of the curriculum, the level of competition, average test scores, and graduation rates.”).

<sup>18</sup>Sutherland & Willis Esqueda Contribution.

<sup>19</sup>Kristin Lam and Erin Richards, “More US Schools Teach in English and Spanish, but Not Enough to Help Latino Kids,” *USA Today*, January 6, 2020, <https://www.usatoday.com/in-depth/news/education/2020/01/06/english-language-learners-benefit-from-dual-language-immersion-bilingual-education/4058632002/>; Conor Williams, *A New Federal Equity Agenda for Dual Language Learners and English Learners* (The Century Foundation, 2021), [https://production-tcf.imgix.net/app/uploads/2021/11/19184110/williams\\_federal-el\\_final1.pdf](https://production-tcf.imgix.net/app/uploads/2021/11/19184110/williams_federal-el_final1.pdf).

Public schools are often funded by local property taxes, which means that children who live in lower-income neighborhoods attend schools that are under-resourced in comparison to those in wealthier districts; a higher proportion of Latinx children live in the lower-income areas. The United States Supreme Court has held that this school financing practice does not violate equal protection.<sup>20</sup>

Finally, schools disproportionately discipline and exclude Black and Latinx children, including by referring them into the criminal justice system.<sup>21</sup> Additionally, schools that implement “zero tolerance” policies for disciplinary infractions rely on police and school resource officers to discipline students, resulting in a disproportionate number of Latinx students being suspended and excluded from school, and arrested and drawn into the criminal justice system.

## Housing

Latinx communities suffer from a lack of affordable housing and living in highly segregated neighborhoods. In 2020, the median Latinx household income was \$55,321 with 50 percent of Latinx households owning a home relative to a median white non-Hispanic household income of \$74,912 with 74.5 percent of white non-Hispanic households owning a home.<sup>22</sup> In addition to income disparities, government policies and private-sector banking practices obstruct Latinx home ownership. Subsequently, a greater number of Latinx (41 percent) live in high poverty census tracts relative to white non-Hispanics (16 percent).<sup>23</sup> Latinx are also over-represented in experiencing homelessness, making up 22 percent of the homeless population in the U.S. but comprising only 18 percent of the total U.S. population.<sup>24</sup>

A Brookings Institution report using the segregation index shows that unfair housing related policies and practices also push Latinx households into segregated neighborhoods. Using the segregation (dissimilarity) index, Latinx and white segregation in the U.S. ranges from a value of 31 (Jacksonville, Florida) to 61 (Los Angeles, California) with values indicating the percentage of Latinx that would need to relocate to be equally distributed within a neighborhood of white non-Hispanics. Despite increases in the Latinx population as a whole, white segregated neighborhoods continue to remain mostly white. And whites are moving away from neighborhoods that are predominantly Latinx.<sup>25</sup>

<sup>20</sup>San Antonio Independent School District, 411 U.S. at 5–6.

<sup>21</sup>Grace Chen, “Students of Color Disproportionately Disciplined in Schools,” *School Discipline Policies* (blog), *Public School Review*, August 13, 2019, <https://www.publicschoolreview.com/blog/students-of-color-disproportionately-disciplined-in-schools>; Lauren Camera, “School Suspension Data Shows Glaring Disparities in Discipline by Race,” *U.S. News & World Report*, October 13, 2020, <https://www.usnews.com/news/education-news/articles/2020-10-13/school-suspension-data-shows-glaring-disparities-in-discipline-by-race>.

<sup>22</sup>Emily A. Shrider et al., *Income and Poverty in the United States: 2020* (Washington, DC: U.S. Government Publishing Office, 2021), 3, <https://www.census.gov/content/dam/Census/library/publications/2021/demo/p60-273.pdf>; *Quarterly Residential Vacancies and Homeownership, Fourth Quarter 2021* (Washington, DC: U.S. Census Bureau, 2022), 9, <https://www.census.gov/housing/hvs/files/currenthvspress.pdf>.

<sup>23</sup>See *Quarterly Residential Vacancies and Homeownership*, 9.

<sup>24</sup>Meghan Henry et al., *The 2019 Annual Homeless Assessment Report (AHAR) to Congress* (Washington, DC: The U.S. Department of Housing and Urban Development, 2019), 1, <https://www.huduser.gov/portal/sites/default/files/pdf/2019-AHAR-Part-1.pdf>.

<sup>25</sup>William H. Frey, “Neighborhood Segregation Persists for Black, Latino or Hispanic, and Asian Americans,” *Brookings Institution*, April 6, 2021, <https://www.brookings.edu/research/neighborhood-segregation-persists-for-black-latino-or-hispanic-and-asian-americans/>.

The lack of affordable housing and segregated neighborhoods create numerous burdens on Latinx communities. Housing problems can drive Latinx households away from key economic centers, thus limiting employment options. The costs of housing along with this push away from economic opportunities contributes to income inequality and poverty. Housing costs and segregation also relate to adverse health outcomes for Latinx communities; families are forced to choose between housing and health, and segregated areas often are located near underperforming health care services and environmental waste.<sup>26</sup> Latinx-majority neighborhoods are also more likely to have poor access to healthy food choices contributing to poor nutrition and obesity.<sup>27</sup> The lack of affordable housing also means Latinx households are more likely to live in high crime areas with higher levels of contact with law enforcement officials, which can erode beliefs relating to efficacy and trust in other governing institutions.<sup>28</sup> Finally, housing affordability is directly related to educational inequalities and the lack of social mobility among the Latinx community as Latinx households are segregated from high performing, well-funded educational institutions.<sup>29</sup>

Various laws, policies, and institutional norms by both public and private actors preclude home ownership and contribute to the segregation of Latinx households, most notably the low quantity of affordable housing in the U.S. and the lack of government programs to encourage homeownership.<sup>30</sup> In addition, the construction and location of interstate highways and other infrastructure can segregate Latinx communities from economic, health, educational, and other community resources. Lack of citizenship and first-generation status also discourage Latinx people from seeking what public housing assistance is available.

In private rental markets, discrimination against Latinx people takes various forms, including landlords failing to return calls, show properties, and imposing occupancy limits above the legal threshold. Local ordinances that attempt to have private rental actors enforce U.S. immigration law, as well as crime-free housing ordinances, push Latinx and other people out of communities.

Unfair banking practices such as “redlining,” i.e., denying loans based on historic neighborhood boundaries drawn by race, national origin, and ethnicity, have historically discouraged Latinx home ownership.<sup>31</sup> So has a lack of credit history, particularly among Latinx lacking citizenship and first-generation Latinx, which results in higher mortgage premiums and exclusion from better quality

<sup>26</sup>See D. Phuong Do et al., “Hispanic Segregation and Poor Health: It’s Not Just Black and White,” *American Journal of Epidemiology* 186, no. 8 (October 15, 2017): 990, 992, <https://academic.oup.com/aje/article/186/8/990/3852290>.

<sup>27</sup>Zulema Valdez et al., “Community Perspectives on Access to and Availability of Healthy Food in Rural, Low-Resource, Latino Communities,” *Preventing Chronic Disease* 13, no. 170 (December 2016): 1, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5201142/>.

<sup>28</sup>Andrea Silva et al., “Perceived Police Performance, Racial Experiences, and Trust in Local Government,” *Politics, Groups, and Identities*. Published ahead of print, October 28, 2020: 1–24, <https://doi.org/10.1080/21565503.2020.1824122>.

<sup>29</sup>See Education section above.

<sup>30</sup>*The State of, and Barriers to, Latino Homeownership* (Washington, DC: UnidosUS, 2019): 2–5, [https://www.unidosus.org/wp-content/uploads/2021/07/unidosus\\_statement\\_stateminorityhomeownership.pdf](https://www.unidosus.org/wp-content/uploads/2021/07/unidosus_statement_stateminorityhomeownership.pdf).

<sup>31</sup>*The State of, and Barriers to, Latino Homeownership*, 3.

neighborhoods.<sup>32</sup> Indeed, Latinx are prey to mortgage steering by realtors to mortgage companies that push buyers into adverse loans or loans they cannot afford.<sup>33</sup> Geographic steering by rental and real estate agents pushes Latinx households into low-income or segregated neighborhoods. And the deportation of the Latinx head of households can lead to housing foreclosure.

### Policing and Mass Incarceration

Law enforcement agencies disproportionately police Latinx individuals.<sup>34</sup> Similarly, the criminal penal system incarcerates Latinx people at a rate 1.3 times higher than that of non-Latinx white people.<sup>35</sup> “Latinx men born in 2001 have a 1 in 6 chance of being incarcerated in their lifetime, while white men have a 1 in 17 chance. Latinx women born in 2001 have a 1 in 45 chance of incarceration, while white women have a 1 in 111 chance.” Today, Latinx people account for “19 percent of the United States’ incarcerated population.”<sup>36</sup> These high numbers are partly explained by the war on drugs, which has disproportionately targeted the Latinx community; “[a]bout 50 percent of federal drug cases are against Latinx people, even though they make up only about 17 percent of the U.S. population.”<sup>37</sup> Indeed, this country’s addiction to over-policing and locking up Latinx youth and adults prevents the Latinx community from exercising its full potential power. White supremacist culture is baked into the origins and history of law enforcement in this country and drives and still legitimizes violence—sometimes fatal—against people of color. Meanwhile, police misconduct goes largely unchecked, as government entities consistently fail to hold police accountable for harm wielded against Latinx and other people of color.

Various institutions, policies, and norms drive these outcomes. Law enforcement agencies engage in racial profiling, i.e., police disproportionately stop Latinx individuals, and set up more traffic stops in majority Latinx communities as compared to white neighborhoods. In many urban areas across the country, law enforcement agencies have succeeded in branding entire communities as being homes to gangs, thus justifying the compilation of highly inaccurate “gang databases,” increased and harsher policing, and profiling of youth by their attire and language; these practices ultimately lead to hugely disproportional incarceration rates. The “criminalization of poverty” further drives the mass incarceration of Latinx persons who are unable to pay various court-imposed fines, fees, and costs, often used by local government to increase revenues.

<sup>32</sup>See *The State of, and Barriers to, Latino Homeownership*, 3–4.

<sup>33</sup>See *The State of, and Barriers to, Latino Homeownership*, 3.

<sup>34</sup>See, e.g., “Stop-And-Frisk Data,” *New York Civil Liberties Union*, accessed March 3, 2022, <https://www.nyclu.org/en/stop-and-frisk-data> (finding that “Black and Latinx communities continue to be the overwhelming target” in stop-and-frisks); Ben Poston and Cindy Chang, “LAPD Searches Blacks and Latinos More. But They’re Less Likely to Have Contraband Than Whites,” *Los Angeles Times*, October 8, 2019, <https://www.latimes.com/local/lanow/la-me-lapd-searches-20190605-story.html> (finding that Black and Latinx individuals are more likely to be subject to searches during traffic stops); Christopher Connelly, “Report: Police in Texas Most Likely to Search Latinos, but Most Often Find Contraband on Whites,” *Houston Public Media*, June 3, 2021, <https://www.houstonpublicmedia.org/articles/news/criminal-justice/2021/06/03/399704/report-police-in-texas-most-likely-to-search-latinos-but-most-often-find-contraband-on-whites/> (noting that Latinx individuals searched “more than any other racial or ethnic group”).

<sup>35</sup>Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (Washington, DC: The Sentencing Project, 2021): 6, <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

<sup>36</sup>Hernandez, “We Need More Data.”

<sup>37</sup>Colin Hernandez, “We Need More Data.”

The failure to discipline, terminate, and criminally prosecute law enforcement for discriminatory policing and even acts of violence against community members adversely affects the Latinx people. There are many factors that contribute to this problem, including a lack of civilian oversight and discipline of police, as well as the lack of transparency and public access to records of police misconduct; the doctrine of qualified immunity—developed in the federal courts—which makes it nearly impossible to find officers liable for civil rights violations; the unwillingness or reluctance of prosecutors to fully prosecute police accused of wrongdoing and violence, given the co-dependent relationship between prosecuting offices and law enforcement agencies; and the power of police unions to successfully thwart efforts to create more transparency and civilian oversight of police discipline. Further, the militarization of police forces, i.e., the practice of the federal government providing military grade weapons and vehicles to state and local law enforcement agencies, turns local police agencies into occupying forces in the community.

Once entangled in the criminal legal system, Latinx people confront insurmountable obstacles, many of them government-generated, to reentry and reintegration into society. These barriers include parole systems that readily re-incarcerate for technical violations, and laws and regulations that keep individuals with criminal records out of public housing. Private and public employers are often unwilling to hire Latinx individuals with a record; relatedly, there is a lack of access to procedures to expunge or seal criminal records.

### **Voting Rights and Redistricting**

The current wave of state voter suppression laws—combined with a federal bench and Supreme Court that is hostile to claims of voter suppression and gerrymandering—is a structural impediment directly aimed at preventing Latinx communities from leveraging their increasing numbers and translating that into actual power, i.e., by electing officials who will provide true representation of their interests.

Examples of laws and policies that drive this result include the U.S. Supreme Court’s 2013 decision in *Shelby County v. Holder*,<sup>38</sup> which effectively struck down the Voting Rights Act’s Section 5 pre-clearance requirement protections, thus making it much more difficult to protect the rights of racial and language minority groups in the U.S. In 2019, the U.S. Supreme Court’s decision in *Rucho v. Common Cause*<sup>39</sup> held that federal courts have no role in adjudicating claims of partisan gerrymandering of electoral districts, thus foreclosing federal review of such claims. These rulings foreclose the federal courts as an avenue of relief for voter suppression and partisan gerrymandering, meaning that Latinx communities have fewer opportunities to challenge and fight back against these attempts at voter dilution.

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<sup>38</sup>*Shelby County v. Holder*, 570 U.S. 529, 537, 557 (2013).

<sup>39</sup>*Rucho v. Common Cause*, 139 S. Ct. 2484, 2508 (2019).

Elected officials continue to spread baseless claims of widespread voter fraud during the 2016 presidential election and beyond and are using the “Big Lie” as justification for enacting voter suppression laws. As of July 2021, 18 states had passed almost three dozen laws making it harder for Americans to vote.<sup>40</sup> Many of those states would have been required to seek federal permission had the Voting Rights Act stood. Moreover, one-party control of redistricting in certain states, including some that are no longer required to obtain pre-court clearance of maps, increases the likelihood of dilution of Latinx representation, even in states where the Latinx population has grown over the last ten years.

## **Part II: Mitigating Latinx Bigotry by Changing Federal, State, and Local Laws, Policies, and Institutions**

### **Immigration and Immigrant Rights**

The U.S. must reform its immigration system to be more responsive to the nation’s changing needs, by implementing the following reforms to create humane refugee, asylum, and immigrant systems consistent with the nation’s idealized commitment to welcoming immigrant communities and ensure fair and quick due process.

The U.S. must permanently end family detention for parents and children who arrive at our borders, stop family separation allowing families to stay together throughout the immigration process. These policies must be enacted into federal law rather than reside on the whims of the Executive Branch. Federal law must also ensure full due process rights are provided in an equitable manner and create a quick and efficient pathway to citizenship for immigrants currently residing in the U.S. The U.S. should remove three- and ten-year bans that prevent undocumented individuals from re-entering the U.S. and provide more legal avenues for immigrants to remain in the country. This includes the removal of national origin quotas.

The U.S. economy and immigrants would both benefit from expedited processes to connect immigrants to needed economic centers, the expansion of seasonal and agricultural work visas, laws to ensure immigrants receive fair wages and safe working conditions, and to allow family members of immigrants to work and earn a living within the U.S.

U.S. immigration agencies should embrace humanitarian principles and create a more cooperative rather than adversarial relationship with immigrants. Therefore, we call for the abolition or reform of ICE, and the ending of local law enforcement involvement in immigration enforcement.

Finally, permanent protections must be provided for immigrants who arrived as children and people with temporary protected status. Federal and state governments should ensure affordable health care and educational opportunities to all families regardless of immigration status.

<sup>40</sup>“Voting Laws Roundup: July 2021,” *Brennan Center for Justice*, July 22, 2021, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-july-2021>; Benjamin Swasey, “Map: See Which States Have Restricted Voter Access, and Which States Have Expanded It,” *NPR*, updated September 7, 2021, <https://www.npr.org/2021/08/13/1026588142/map-see-which-states-have-restricted-voter-access-and-which-states-have-expanded>.

## Education

To ensure equitable access to education, we must undertake a number of reforms, including enacting legislation that establishes equitable state funding of schools. School funding must not depend on the income levels and property values of the individual school districts in which children reside. State and local governments must conduct regular audits of school district policies and practices regarding admission requirements for children and alternative programs for English language learners. Schools must eliminate reliance on high-stakes tests as the sole means for children to gain admission to gifted and talented programs and, instead, ensure multiple pathways to admission to such programs. Finally, we must remove police from schools. If that is not possible, we must significantly limit the powers of police in schools, i.e., remove them from any role in school discipline.

## Housing

Housing policies, practices, and laws must be implemented to provide Latinx people with better gateways to the rental of affordable housing and home ownership, particularly in less segregated areas. On the federal level, we must implement additional federal programs to develop new low-income housing in less segregated neighborhoods. In addition, we must reverse Trump-era housing policies and re-implement key protections, such as the Fair Housing Act's Discriminatory Effects Standard, and eliminate section 212(a)(4) of the Immigration and Nationality Act, which deems an individual inadmissible for purposes of permanent residency if that person is deemed a "public charge,"—i.e., they sought public assistance for housing. Federal and state governments should increase resources and lending programs, including cash and credit assistance/guarantee programs, for minority homeownership, and provide better community education about these programs.

On the local level, government bodies must revise local zoning ordinances to increase housing production, increase density, speed up permitting processes, and promote more inclusionary land-use; there also must be greater transparency regarding local zoning ordinances and how local officials determine the development of new housing. Local governments must also plan to increase public transportation from segregated neighborhoods to less impoverished economic, health, and educational centers.

And all levels of government must educate private sector landlords and real-estate agents about anti-discrimination laws and fines for violations of these laws, and conduct regular audits and testing to ensure these actors not violating such laws. State licensing protocols could mandate implicit bias training for real-estate agents and private sector rental agents.

## Policing and Mass Incarceration

To end the over-policing and mass incarceration of Latinx people, we must implement policies and practices that fundamentally transform policing and end mass incarceration. A key strategy is to defund police and divest them of authority to intervene in situations in which civilians are better trained to serve the community, and without violent outcomes. We must require law enforcement agencies to provide demographic data on stops and other encounters with the public as a requirement of federal and state funding, while also withholding funding from agencies that show a pattern and practice of racial profiling. Oversight and discipline of police must be placed in civilian hands to

increase accountability, including removing dangerous officers from duty, and there must be greater transparency regarding police disciplinary records, particularly with respect to police violence against residents. The elimination of numerous low-level offenses, as well as the elimination of fees, fines, and court costs, would reduce the unnecessary incarceration of non-violent individuals, as would establishing more alternatives to incarceration.

For those Latinx individuals who serve time in carceral settings, we must overhaul the parole system and eliminate the practice of incarcerating individuals for technical parole violations, and instead re-enfranchise individuals returning to the community from carceral settings.

### **Voting Rights and Redistricting**

Federal and state legislation is critically needed to protect the voting rights of the Latinx community, including laws that safeguard against and invalidate voter suppression practices. This includes enacting state legislation and constitutional amendments to combat partisan gerrymandering, as well as state laws that serve to enfranchise Latinx and other voters of color, including early voting, no-excuse absentee voting, same-day voter registration, automatic registration, and voting rights restoration.

## **Part III: Mitigating Latinx Bigotry by Changing Narratives**

False and pejorative narratives about the Latinx community help to sustain structural bigotry. One of the most enduring is that Latinx individuals are criminals, in particular those who are immigrating into the country. Numerous institutions and public figures perpetuate a narrative and imagery of Latinos as gangbangers, drug kingpins, and traffickers. This includes the past president labeling Latinx immigrants as “bad hombres,” “animals,” and “drug dealers, criminals, rapists,” who come from “shithole countries.”<sup>41</sup> Indeed, one Latinx woman who participated in an Antibigotry Convening conversation group described encounters with U.S. students who related her national origins to stereotypes of cocaine trafficking.<sup>42</sup> Under this narrative, law enforcement agencies and federal immigration authorities are justified in stopping, searching, arresting, detaining, and incarcerating such people, separating them from family members, and deporting them with little or no due process.

Another popular narrative often used to justify anti-immigration policies is that of the zero-sum game: Latinx immigrants come to the U.S. to steal jobs and economic opportunities from the people who belong here; they apply for public assistance that is paid for with U.S. tax dollars; and they send their children to our schools, also paid for with our tax dollars. This narrative of blaming the foreigner for “stealing” diverts the focus away from the largely successful efforts of the white privileged class to protect their wealth and power, as exemplified by a popular cartoon.<sup>43</sup> Despite these narratives, several members of the Latinx community describe their experiences with employers who exploit their labor

<sup>41</sup>Stephanie L. Canizales and Jody Agius Vallejo, “Latinos & Racism in the Trump Era,” *Daedalus* 150, no. 2 (Spring 2021): 151, [https://www.amacad.org/sites/default/files/publication/downloads/Daedalus\\_Sp21\\_10\\_Canizales-%26-Vallejo.pdf](https://www.amacad.org/sites/default/files/publication/downloads/Daedalus_Sp21_10_Canizales-%26-Vallejo.pdf).

<sup>42</sup>Antibigotry Convening Conversation Group, February 9, 2022 (transcript on file with LatinoJustice PRLDEF).

<sup>43</sup>See u/barsas161, “thE ImMigRAnTs Are ComInG fOR YoUr JObs!,” Reddit photo, December 28, 2019, [https://www.reddit.com/r/PoliticalHumor/comments/egnxxzj/the\\_immigrants\\_are\\_coming\\_for\\_your\\_jobs/](https://www.reddit.com/r/PoliticalHumor/comments/egnxxzj/the_immigrants_are_coming_for_your_jobs/).

by paying them lower wages, working them longer hours, and exposing them to hazardous working conditions.<sup>44</sup>

Latinx people are subject to an “othering” narrative whereby they are labeled different and inferior—and therefore not entitled to the same opportunities and protections as others—because they are of a different ethnicity, speak a different language, or are undocumented. Afro-Latinx people face additional types of “othering” because they may be racialized as Black. These various types of “othering” are evident in speaking to members of the Latinx community about their housing situations where their race, ethnicity, or documentation status is used to justify bigoted actions by landlords and property owners.

Moreover, bigoted narratives portray Latinx people as unwilling or unable to assimilate and suggest that there is a need for Latinx to assimilate as other immigrant groups have done (although such assimilation is a myth). Other assimilation narratives suggest that Latinx people lack American values and work ethic and that other “good” immigrants—those few who work hard, stay out of trouble, and keep their head down—are worthy.

Attempts to offer factual evidence to refute many of these baseless narratives are often unsuccessful. For example, we can offer evidence that demonstrates that the vast majority of Latinx individuals who immigrate into the U.S. are not bad actors but instead are fleeing violence, corruption, poverty, and climate disasters to build a better life for their families. Similarly, we can point to data that shows that immigration actually fuels the U.S. economy, making the “pie” bigger for all of us, and even demonstrate how our inability to enact practical, sustainable immigration policies will dampen economic growth and hurt us in the long run.<sup>45</sup> But it is often easier to change existing institutions and power structures than it is to try to change hearts and minds, even when we have the evidence to refute the narrative.

Perhaps one approach, but one that is also more labor intensive, is to offer new, alternative narratives through social contact and interpersonal relationships, and attempt to change social norms on this more intimate level. This includes tying narratives of Latinx to those of other groups so that individuals can see commonalities. Advocacy between peers, family members, friends, and coworkers whereby trusted messengers send new messages and tell new stories may be one of the most fruitful strategies that we can pursue.

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<sup>44</sup>Antibigotry Convening Conversation Group, February 9, 2022 (transcript on file with LatinoJustice PRLDEF).

<sup>45</sup>Damien Cave and Christopher F. Schuetze, “Contending with the Pandemic, Wealthy Nations Wage Global Battle for Migrants,” *New York Times*, November 23, 2021, <https://www.nytimes.com/2021/11/23/world/asia/immigration-pandemic-labor-shortages.html>.

# ANTI-PACIFIC ISLANDER BIGOTRY

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## Introduction

*A'ohe pau ka 'ike i ka hālau ho 'okahi.*  
(All knowledge is not taught in the same school.)  
'Ōlelo No'eau #203

This discussion begins by acknowledging its limits. First, the term “Pacific Islander” commonly functions as a catch-all, referring to any Indigenous Peoples of Oceania, including inhabitants and diaspora. By grouping together politically and culturally distinct Peoples into a single ethnic/racial category, the term is overbroad and often problematic. We adopt this terminology in this report, but we also dissect the “Pacific Islander” category to highlight the diverse experiences of Pacific Islander communities. Second, this report is written in a language that has historically been deployed, with other settler-colonial tools, against Indigenous Peoples to dispossess them of their ancestors’ tongue and their connection to family, culture, and lands. Although relayed in English, this report nonetheless centers our Pacific Islander communities and values.

## Sites of Bigotry

*There's this notion that to understand how to truly be in the world, you can ignore the Pacific Islands.*

– Teresia Teaiwa

## Dispossession

Since time immemorial, Pacific Islanders have revered Oceania’s vastness. Epeli Hau’ofa described how Pacific Islanders understand Oceania: “a large world in which peoples and cultures moved and mingled, unhindered by boundaries of the kind erected much later by imperial powers.” Their cosmologies, languages, and traditions evince this deep understanding of their universe as “anything but tiny.”<sup>2</sup>

To justify “conquest” of the Pacific, colonizers deployed their own narratives about Oceania. They painted a “bleak view” of Pacific Islanders’ existence, depicted through “derogatory and belittling” images. In lockstep with their images, colonizers deployed the “rule of law” to legitimize their interests. In other words, settler-colonialism relies on its own derogatory stories about Oceania and its People (and the stereotypes and assumptions imbued in them) to justify their subordination.<sup>3</sup>

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<sup>2</sup>Epeli Hau'ofa, “Our Sea of Islands,” *The Contemporary Pacific* 6, no. 1 (Spring 1994): 147, 152-54 (originally published in *A New Oceania: Rediscovering Our Sea of Islands* (Suva: School of Social and Economic Development, The University of the South Pacific, 1993)).

<sup>3</sup>For an in-depth explanation about how narratives and “collective memory” shape justice struggles, see Sharon Hom and Eric K. Yamamoto, “Collective Memory, History, and Social Justice,” *UCLA Law Review* 47 (2000); Melody Kapilialoha MacKenzie & D. Kapua'ala Sproat, “A Collective Memory of Injustice: Reclaiming Hawai'i's Crown Lands Trust in Response to Judge James S. Burns,” *University of Hawai'i Law Review* 39 (Summer 2017).

The objectification of the Pacific Islands as “exotic, feminized possessions of whiteness” pervade narratives told about Oceania and its Peoples. Thus, as Haunani-Kay Trask observed, most Americans claim the Pacific “is *theirs*: to use, to take, and above all, to fantasize about long after the experience.”<sup>4</sup> This “logic of possession” endures as a (racial and gendered) “settler common sense”<sup>5</sup> – one encouraging “ignorance of, and yet power over”<sup>6</sup> Pacific Islanders. Ostensibly, it also justifies dispossession through militarization, criminalization, tourism, discrimination, and many other forms of colonial violence.

### “Legal” Status

Bigotry manifests differently depending on the ways Pacific Islanders come into contact and interact with federal, state, and local governments and institutions. Individuals’ rights and protections under the United States rely largely on their purported “legal” status, which depends on where they’re born and reside.<sup>7</sup> “Legal” status seeks not to define Pacific Islanders on their own terms but through a settler-colonial lens, thereby disrupting communities’ cultural connections and practices, their relationships to ancestral lands, and their health and wellbeing. Ultimately, it cuts away at Pacific Islanders’ self-determination by defining them within the restrictions imposed by settler-colonial borders and laws.

**American Samoa, Guam, and the Commonwealth of the Northern Marianas Islands** are “unincorporated territories” of the United States. *The Insular Cases*, a series of nine U.S. Supreme Court decisions in the early 1900s, recognized two classes of U.S. territories. “Incorporated” territories are those slated for statehood. “Unincorporated” territories remain “foreign to the United States in a domestic sense” and the U.S. constitution does not fully apply to them. To create these legal fictions, the Court ruled that unincorporated island-territories were “inhabited by alien races” and, thus, “governing them according to Anglo-Saxon principles may be for a time impossible.”<sup>8</sup>

Militarization displays the lasting narrative that, as asserted in *The Insular Cases*, these territories “belong to, but are not part of” the United States. For instance, roughly 28 percent of Guam is occupied by the U.S. military, and 1 in 8 CHamoru enlist hoping to advance their wealth and well-being. Guam ranks higher than any state in its per capita enlistment rates (American Samoa consistently ranks first among all states and territories).<sup>9</sup> Further, military occupation devastates Guam’s environment, threatening not only natural resources but also the CHamoru traditions and customs intimately tied to them. The territory’s “unincorporated” status stymies CHamoru efforts to exercise self-determination over their lands and protect against further destruction.

<sup>4</sup>Haunani-Kay Trask, “Lovely Hula Hands: Corporate Tourism and the Prostitution of Hawaiian Culture,” in *From a Native Daughter* (Honolulu: University of Hawai’i Press, 1993), 180.

<sup>5</sup>Maile Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawai’i and Oceania* (Durham: Duke University Press, 2019), 3.

<sup>6</sup>Trask, *Lovely Hula Hands*, 179-80.

<sup>7</sup>For instance, an individual Samoan is considered a “U.S. national” when they’re born in American Samoa but would be a “citizen” if born in the states, or an “alien” if born in the independent nation known as Samoa. Each status carries with it different implications. Similarly, a Native Hawaiian born and living in the State of Hawai’i will be afforded different rights under the law than they might have under other federal and state governments.

<sup>8</sup>*Downes v. Bidwell*, 182 U.S. 244 (1901).

<sup>9</sup>Jon Letman, “Guam: Where the US Military Is Revered and Reviled,” *The Diplomat*, August 29, 2016, <https://thediplomat.com/2016/08/guam-where-the-us-military-is-revered-and-reviled/>.

**Hawai‘i** was admitted to the Union as a “state” in 1959. In 1893, a U.S. military-backed coup of white sugar barons and businessmen – who by then had control over Hawai‘i’s economy and much of its private property – took Hawai‘i’s Queen as a political prisoner and overthrew the Hawaiian Kingdom.<sup>10</sup> Against Kānaka Maoli’s staunch opposition, the insurrectionists proclaimed to establish a “Provisional Government” as a step toward the goal of U.S. annexation. Most of the lands stolen from the Kingdom were eventually “ceded” to the state.

As a condition of its admission, the State of Hawai‘i holds in trust approximately 1.3 million acres of public lands, including the natural and cultural resources they contain, for the benefit of present and future generations. Despite state constitutional and legislative mandates safeguarding the public land trust, “blood quantum” – the amount of “Hawaiian blood” a person is purported to have – hinders restorative justice efforts by limiting the state and federal governments’ duties to Native Hawaiians. Further, differentiating “benefits” like housing on the basis of blood quantum arbitrarily divides community members and pits them against one another to compete for “scarce” resources.

The **Federated States of Micronesia**, the **Republic of Palau**, and **The Republic of the Marshall Islands** have a unique relationship with the United States through the Compacts of Free Association<sup>11</sup> – a series of treaties meant, in part, to compensate Islanders for the irreparable harm caused by the U.S. military’s nuclear weapons testing from 1946 to 1958.<sup>12</sup> Under COFA, the U.S. enjoys exclusive military access to Compact areas and may demand land for operating its bases. While COFA citizens are not U.S. citizens or nationals, they may freely enter the United States to live, access health care, and work.

When forced to migrate to the states, Micronesians are often met with racial animus and discrimination. Sha Ongelungel denounced the way individual Micronesians who get into trouble with the law “quickly get held up as an example of the entire community.”<sup>13</sup> For instance, at a sentencing hearing for a young Chuukese man convicted of manslaughter, the state prosecutor urged a Hawai‘i circuit court judge to impose a 20-year prison term “to send a message out to the Micronesian community, mainly the males, [who have] the idea that they can just drink all they want and not be responsible for what happens after that.”<sup>14</sup> As Charles R. Lawrence III underscored, our shared understanding of the cultural meaning

<sup>10</sup>Melody Kapilialoha MacKenzie, Susan K. Serrano, and D. Kapua‘ala Sproat (eds.), *Native Hawaiian Law: A Treatise* (Honolulu: Kamehameha Publishing, 2015): 20-21.

<sup>11</sup>Compact of Free Association, U.S.-Micronesia & Marshall Islands, 48 U.S.C. § 1901 (1986).

<sup>12</sup>For more information on the United States’ history with and impacts on Micronesia, see Eddie I. Yeichy, “A Failed Relationship: Micronesia and the United States of America,” *Asian Pacific Law & Policy Journal* 20, no. 3 (May 2019); Megan K. Inada et al., “Chuukese Community Experiences of Racial Discrimination and Other Barriers to Healthcare: Perspectives From Community Members and Providers,” *Social Medicine Publication Group* 12, no. 1 (2019).

<sup>13</sup>Anita Hofschneider, “#BeingMicronesian in Hawaii Means Lots of Online Hate,” *Honolulu Civil Beat*, September 19, 2018, <https://www.civilbeat.org/2018/09/beingmicronesian-in-hawaii-means-lots-of-online-hate/>.

<sup>14</sup>The prosecutor also remarked:

And when I talk about, perhaps, a sentence like this could save lives, I’m talking about sending a message to the Micronesian community.

Even more so than just a community, but I say this, by no means to be a racist about anything, but in my experience, and I believe in the Court’s experience as well . . . over the past few years, we have had a number of cases that have come in involving Chuukese Micronesian males drinking, not high on drugs, like [the] type of cases we’re more used to seeing[.]

But we’re talking Micronesians who get inebriated on alcohol, then become violent with their own family members, their own friends and they involve knives . . . So we’re talking about affording adequate deterrence of criminal conduct by sending a message.

State v. David, 141 Hawai‘i 315, 322-23, 409 P.3d 719, 726-27 (2017).

of those words – “about Micronesians, about their blackness, their foreignness, . . . their less-human-than-the-rest-of-us-ness” – “reveals the racism we have all internalized and share.”<sup>15</sup> It is “evidence of biases, conscious and unconscious, that none of us has escaped.”<sup>16</sup> And it “implicates all of us.”<sup>17</sup>

## Erasure

Erasure of Pacific Islanders is necessary to bigotry’s survival. “Official” data – like settler-colonial laws and policies – tell stories about Oceania that seek to erase Pacific Islander Peoples.<sup>18</sup> Moreover, data *inform* law and policy decisions, and vice versa. Governments and other institutions too often fail to collect and report accurate data about Pacific Islanders. When data are collected, they’re usually aggregated and – in effect – mask the varied and distinct social, economic, and environmental issues that impact Pacific Islander communities. These data shape public perceptions of Pacific Islanders.

For instance, the Office of Management and Budget introduced “Asian Pacific Islander” as an ethnic category in the 1980 U.S. Census. In 1997, OMB separated the category into two – “Asian” and “Native Hawaiian or Other Pacific Islander.” But the terminology “Asian American Pacific Islander” (“AAPI”) persists.<sup>19</sup> When aggregated, statistics show that AAPIs boast the highest median household income of all racial/ethnic groups across the U.S. (approximately \$75,000). But disaggregated statistics tell a different story: Micronesians, Tongans, and Samoans fall well below the national average of \$50,000.<sup>20</sup>

When data erases Pacific Islanders, they tell stories that ignore ongoing project of colonization. Those stories then justify the continued subordination of Pacific Islanders and even blame them for it, all while concealing what’s really going on – and what’s needed – in their communities.

<sup>15</sup>Lawrence explained,

I use these hard-to-hear words to describe our shared beliefs quite intentionally. They come from a lexicon that Americans have used to imagine and construct my own people. They are words that inhabit and shape the narrative of white supremacy, words and images that at different moments in history meant and signified Chinese or Japanese, that still often mean Filipino, or Samoan or Native Hawaiian, but in this moment in Hawai’i’s history we have designated our brothers and sisters from the Micronesian islands to assume the role of blackness.

Charles R. Lawrence III, “Local Kine Implicit Bias: Unconscious Racism Revisited (Yet Again),” *University of Hawai’i Law Review* 37 (2015): 464, 466-67.

<sup>16</sup>Lawrence, “Local Kine Implicit Bias,” 497.

<sup>17</sup>Lawrence, “Local Kine Implicit Bias,” 466.

<sup>18</sup>Maggie Walter and Chris Andersen, *Indigenous Statistics: A Quantitative Research Methodology* (Walnut Creek: Left Coast Press, 2013).

<sup>19</sup>The AAPI umbrella term is still used in celebrations (AAPI Heritage Month in May), advocacy (APIA Vote, National Asian Pacific American Women’s Forum), academia (AAPI student organizations and law journals), and most notably in research and data.

<sup>20</sup>Joyce Lee-Ibarra, “The Power and Potential of Disaggregated Data,” *Hawai’i Data Collaborative*, July 21, 2020, <https://www.hawaiidata.org/news/2020/7/21/disaggregated-data-power-and-potential>.

## Toward Restorative Justice

*We must not allow anyone to belittle us again, and take away our freedom.*

– Epeli Hau‘ofa

We share the following framework as a tool for Pacific Islanders and allies to advance their pursuit of restorative justice, rather than proposing broad solutions that risk further overlooking or excluding distinct Pacific Islander communities. To contextualize bigotry within the broader history of settler-colonialism and forge a path toward restorative justice, we turn to “four Indigenous values for contextual legal analysis” – a framework for evaluating the harms of colonization to Indigenous Peoples and whether actions will result in on-the-ground justice for Indigenous communities or only exacerbate colonial harms.<sup>21</sup>

As outlined by Kapua‘ala Sproat, this contextual framework evaluates four values, or “realms.” All four values are embodied in the human rights principle of self-determination and recognized under international human rights principles as salient dimensions of restorative justice.<sup>22</sup> Together, they help us better understand the complex and diverse legal, political, and historical differences and similarities among and between Pacific Islanders.

**(1) Cultural Integrity.** Cultural integrity’s central role in Indigenous life and identity makes weighing cultural impacts a necessary starting point for any contextual legal inquiry involving Indigenous Peoples. Through this realm, we “must explicitly analyze history and socio-economic conditions in the context of cultural integrity and whether actions or decisions support and restore cultural integrity as a partial remedy for past harms, or perpetuate conditions that continue to undermine cultural survival.”<sup>23</sup>

**(2) Lands & Natural Resources.** This realm “directly analyze[s] history and current socio-economic conditions with the intent of understanding whether a particular action perpetuates the subjugation of ancestral lands, resources, and rights, or attempts to redress historical injustices in a significant way.” This realm is particularly important given the way historical narratives – particularly those retold through law and policy – have been constructed to justify dispossession of Indigenous Peoples from their lands, resources, and cultural identity. For Indigenous Peoples, this realm is the basis of their identity and culture.<sup>24</sup>

<sup>21</sup>D. Kapua‘ala Sproat, “Wai Through Kānāwai: Water for Hawai‘i’s Streams and Justice for Hawaiian Communities,” *Marquette Law Review* 95, no. 1 (2011), <https://scholarship.law.marquette.edu/mlr/vol95/iss1/5>.

<sup>22</sup>S. James Anaya, “The Native Hawaiian People and International Human Rights Law: Toward a Remedy for Past and Continuing Wrongs,” *Georgia Law Review* 28 (1994): 342-60; *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

<sup>23</sup>Sproat, “Wai Through Kānāwai,” 177-80.

<sup>24</sup>Sproat, “Wai Through Kānāwai,” 180-81.

**(3) Social Determinants of Health and Well-being.** Essential to the continued survival of Indigenous Peoples, social determinants of health and well-being (or “social welfare and development”) are necessarily evaluated through examining history and socio-economic considerations. This realm asks: “does a decision have the potential to improve health, education, and living standards, or not?”<sup>25</sup>

**(4) Self-Governance.** Through this fourth realm, contextual analysis inquires whether and how an action or decision impacts Indigenous groups’ ability to exercise their political and cultural sovereignty. Put differently, will a decision perpetuate “historical conditions imposed by colonizers or will [it] attempt to redress the loss of self-governance”?<sup>26</sup>

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<sup>25</sup>Sproat, “Wai Through Kānāwai,” 181-83.

<sup>26</sup>Sproat, “Wai Through Kānāwai,” 183-85.

# ANTISEMITISM

Megan Black and Eric Ward<sup>1</sup>

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Even as racism and other forms of bigotry are at the center of our national debate, there is so little understanding of one widespread form of bias that *The Atlantic* recently published an article titled “Why So Many People Still Don’t Understand Anti-Semitism.”<sup>2</sup> We don’t even have consensus on how to spell what we need to talk about; whether or not to hyphenate or capitalize. Anti-Semitism or antisemitism? As we explain below, many aspects of antisemitism are misunderstood. Our purpose here is to help expand the focus of antibigotry activists to understand the relationship of antisemitism to other forms of bigotry.

## Defining Antisemitism

Encyclopedia Britannica defines anti-Semitism as “hostility toward or discrimination against Jews as a religious or racial group.”<sup>3</sup>

The Anti-Defamation League’s (ADL’s) definition also focuses on hostility as an element: “Antisemitism is the belief or behavior hostile toward Jews just because they are Jewish.”<sup>4</sup>

Similarly, The Jerusalem Declaration on Antisemitism defines antisemitism as “discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish).”<sup>5</sup>

The U.S. State Department<sup>6</sup> is among more than three-dozen countries and international organizations that have adopted the Working Definition promoted by the International Holocaust Remembrance Alliance: “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”<sup>7</sup>

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<sup>2</sup>Yair Rosenberg, “Why So Many People Still Don’t Understand Antisemitism,” *The Atlantic*, January 19, 2022, <https://www.theatlantic.com/ideas/archive/2022/01/texas-synagogue-anti-semitism-conspiracy-theory/621286/>.

<sup>3</sup>Michael Berenbaum, “anti-Semitism,” *Encyclopedia Britannica*, accessed May 1, 2022, <https://www.britannica.com/topic/anti-Semitism>.

<sup>4</sup>“Antisemitism,” *Anti-Defamation League*, accessed May 1, 2022, <https://www.adl.org/anti-semitism>.

<sup>5</sup>“The Jerusalem Declaration on Antisemitism,” accessed May 1, 2022, <https://jerusalemdeclaration.org/>.

<sup>6</sup>U.S. Department of State, Special Envoy to Monitor and Combat Anti-Semitism, “Defining Anti-Semitism,” June 8, 2010, <https://2009-2017.state.gov/j/drl/rls/fs/2010/122352.htm>.

<sup>7</sup>“What is antisemitism? Non-legally binding working definition of antisemitism,” *International Holocaust Remembrance Alliance*, accessed May 1, 2022, <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

Other definitions also include examples of antisemitism in practice. The Nexus Document states: “Antisemitism consists of anti-Jewish beliefs, attitudes, actions or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews (because they are Jews), and conditions that discriminate against Jews and significantly impede their ability to participate as equals in political, religious, cultural, economic, or social life.”<sup>8</sup>

We don’t seek to choose one definition over another here. Examining the range of definitions – the overlaps and nuanced distinctions – is a useful foundation for real discourse about what is taking place, and why.

That said, the definition posed by Yair Rosenberg in *The Atlantic* comes closest to the way we think. “Unlike many other bigotries, Rosenberg writes, “anti-Semitism is not merely a social prejudice; it is a conspiracy theory about how the world operates.”<sup>9</sup>

We would add, antisemitism is a *racialized* form of social prejudice in the United States, by which we mean Jews are identified by others through whatever lens the anxiety of the moment demands. We discuss this further below.

Antisemitism functions to maintain the structural inequities that underlie all other forms of bigotry and oppression. Antisemitism in its daily manifestations causes devastating, sometimes mortal, harms to its targets, certainly – Jews are the most frequent target of reported anti-religious hate crimes in America even as they comprise less than two percent of the U.S. population and only two-tenths of one percent of the world’s population.<sup>10</sup> More broadly, antisemitism divides potential allies, serves as a galvanizing force for white nationalist movements, and undermines democratic processes.

## How Antisemitism Functions

Antisemitism functions in a similar way to all other forms of structural and unconscious bias, including racism. Antisemitism designates an “Other” who can be maligned, fetishized, dehumanized and then blamed for the difficulties that other groups of people are suffering. By tapping into an unconscious fear of the “Other,” antisemitism serves as a wedge that divides people who might be allies or form common cause, allowing those who hold structural power to escape responsibility for the conditions that are causing suffering.

Antisemitism is propagated through stereotypes and tropes about Jews. T’ruahs *Very Brief Guide to Antisemitism* delineates the most common of these:

**Power:** Claims that Jews are all-powerful secret puppet masters behind the scenes of world events, as popularized by the early 20th century antisemitic forgery, *Protocols of the Elders of Zion*; also, conspiracy theories that Jews cause disease, pandemic, war, or other disasters.

<sup>8</sup>“The Nexus Document,” Israel & Antisemitism, accessed May 1, 2022, <https://israelandantisemitism.com/the-nexus-document/>.

<sup>9</sup>Rosenberg, “Why So Many People Still Don’t Understand Antisemitism.”

<sup>10</sup>Although antisemitism is a racialized form of bigotry, as we discuss here, it can have anti-religious elements and antisemitic hate incidents are frequently documented as anti-religious.

**Greed/Wealth:** Claims that Jews love money, or control the world's financial system or the media.

**Disloyalty:** Claims that Jews are untrustworthy and/ or disloyal, or that Jews are more loyal to Israel or to world Jewry than to their country of citizenship.

**Evil:** Claims that Jews are in league with, or are children of, the Devil; that Jews drink blood or kill babies; and that Jews are a corrupting, inhuman force.<sup>11</sup>

We can find all of these ideas at play today in even a casual survey of the news or social media. We must accept that antisemitism is a force in America today and that none of us are immune, including our own movements for justice.

### **Social Justice Movements are Not Immune**

There are three primary reasons antisemitism can be found in social justice movements. The first is that we're all subject to the same unconscious biases and societal conditioning and segregation (not actually knowing the "Other") that enables any form of bigotry to flourish.

The second complicating factor is the politics of Israel and Palestine. Several definitions of antisemitism devote entire sections to parsing what is and is not antisemitic when it comes to criticism of Israel. As The Nexus Document states, "As an embodiment of collective Jewish organization and action, Israel can be a target of antisemitism and antisemitic behavior. Thus, it is important for Jews and their allies to understand what is and what is not antisemitic in relation to Israel."<sup>12</sup>

By way of example, the Nexus Document provides the following helpful principles:

- As a general rule, criticism of Zionism and Israel, opposition to Israel's policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic.
- Even contentious, strident, or harsh criticism of Israel for its policies and actions, including those that led to the creation of Israel, is not per se illegitimate or antisemitic.
- It is antisemitic to use symbols and images that present all Jews as collectively guilty for the actions of the State of Israel.
- It is antisemitic to treat Israel differently solely because it is a Jewish state, using standards different than those applied to other countries.

<sup>11</sup>Truah, "A Very Brief Guide to Antisemitism," January 2022, <https://1x5p951614wm35poeh16mpzk-wpengine.netdna-ssl.com/wp-content/uploads/2022/01/Truah-Antisemitism-8.5-X-11.pdf>.

<sup>12</sup>"The Nexus Document."

The third factor is a widespread misunderstanding of “race” – which was invented as a category to maintain social and economic control – as defined only by skin color. We explain this misconception below.

### Are Jews “White”?

In a 2018 interview with *Tikkun* on The Evolution of Identity Politics, our team member Eric K. Ward addressed the question of race and the Jewish community.<sup>13</sup> As he recounted, in the 1970s, many in the Jewish community found themselves “facing less – not none, but lesser – discrimination.”<sup>14</sup> At the same time, new liberation movements emerged in response to a liberal mainstream that seemed satisfied with legal equality, even in the face of persistent real-world inequities. Some of these movements were grounded in a vision of identity politics that offered the promise of “rebuilding people centered movements for justice.”<sup>15</sup> Unfortunately, “[m]isrepresentations of identity policies treat race, gender and sexuality as static terms rather than fluid narratives used to expand and reinforce inequality in the United States.”<sup>16</sup>

In this context, Jews were defined as white not only by white society, but also elements of antiracist and leftist movements. Jews were left with the primary role of “white ally.”<sup>17</sup> Jews who did not identify as white “found themselves without a political home” and “disengaged or began to claim whiteness as a primary identity so they could belong somewhere.”<sup>18</sup> The result was that there was little opportunity for conversations about antisemitism as a current form of subordination, or its relationship to other categories of bigotry. Jewish communities within leftist social movements rarely get to self-identify, or lift up their experiences with antisemitism, which is a form of racism in the United States.

As Eric stated, “the Jewish community has never been white; it has only been allowed temporary access to privileges.” In the U.S., as in Europe, Jews have been “used as the scapegoats of the ruling class, a buffer between ‘the haves’ and ‘the have nots.’”<sup>19</sup> In this way, “[p]ositioned perpetually as ‘the biological other,’ Jews often find themselves wrongfully cast as the existential evil behind every social disparity, scandalous leader, or societal disaster.”<sup>20</sup>

Against this backdrop, “our society found itself defenseless as white nationalists intentionally used antisemitism to form its worldview, develop leadership and fuel its growing social and political power.”<sup>21</sup> We discuss this further in the next section.

<sup>13</sup>Eric Ward, The Evolution of Identity Politics: An Interview with Eric Ward,” *Tikkun*, April 4, 2018, <https://www.tikkun.org/the-evolution-of-identity-politics-an-interview-with-eric-ward/>.

<sup>14</sup>Ward, “Evolution of Identity Politics.”

<sup>15</sup>Ward, “Evolution of Identity Politics.”

<sup>16</sup>Ward, “Evolution of Identity Politics.”

<sup>17</sup>Ward, “Evolution of Identity Politics.”

<sup>18</sup>Ward, “Evolution of Identity Politics.”

<sup>19</sup>Ward, “Evolution of Identity Politics.”

<sup>20</sup>Ward, “Evolution of Identity Politics.”

<sup>21</sup>Ward, “Evolution of Identity Politics.”

## The Relationship Between Antisemitism and White Nationalism

Like all forms of bigotry, antisemitism evolves and adapts itself, and there are specific roles and purposes to current manifestations of antisemitism in the U.S. One dominant role that antisemitism plays today is to further white nationalist rhetoric and prop up narratives of white supremacy.

Antisemitism is employed as a narrative tool to explain away advances in social movements during the 1960s and 1970s. For example, the Civil Rights movement's victories against legal forms of anti-Black discrimination was helped in part by a broad multiracial coalition that embraced nonviolent direct action. As Eric explained in *Tikkun*,

The loss of *de jure* white supremacy created a large problem for the advocates of white supremacy who long justified slavery and Jim Crow by arguing Blacks were inferior and whites were superior. If you believe you are superior, how do you explain this significant defeat? You can't say those who were inferior bested you, there must be another answer; and an adaptation of modern European antisemitism provided the explanation. In short, white supremacists began propagating the narrative that a secret Jewish cabal must have been behind the Civil Rights movement. They argued, this was the only way Black folks could have won.<sup>22</sup>

Subsequently, asserting that Jews were responsible for social justice movements became the “go to” answer in how white nationalists understood calls for women's rights, inclusive immigration policies, reproductive justice, and an expansive understanding of gender identity. White nationalists framed these movements as “fronts that allowed Jews to enslave whites.”<sup>23</sup> This narrative “helped to birth the white nationalist movement from the ashes of *de jure* white supremacy.”<sup>24</sup>

If white supremacy is a system used to control and exploit structurally marginalized groups, white nationalism seeks the removal of these groups all together. Antisemitism is “the fuel for the white nationalist engine.”<sup>25</sup>

Instead of recognizing this threat, many antiracists, leftists and progressives insisted Jews primarily recognize themselves as whites with privileges.

<sup>22</sup>Ward, “Evolution of Identity Politics.”

<sup>23</sup>Ward, “Evolution of Identity Politics.”

<sup>24</sup>Ward, “Evolution of Identity Politics.”

<sup>25</sup>Ward, “Evolution of Identity Politics.”

## Temporal Privilege

The privileges held by Jews are recent and temporal, meaning that these privileges are contingent on Jews suppressing “their primary identity as Jews, except in those ways found acceptable by larger society.”<sup>26</sup> As Eric, a Black man, told *Tikkun*:

I liken it to my experiences in philanthropy. In my years working as a grant-giver in philanthropy, I automatically became the most humorous person in the room. I was suddenly 100 times better looking. Nearly everyone returned my phone calls. People would also send me invitations informing me of fundraisers and asking for individual donations of \$500 or more. Yes, I had time-based privileges and access but it was only one small part of my identity, and a passing one at that. There were lots of assumptions being made about my identities and my background and most of it was based on a temporal position. I’m a kid who spent most of his teenage years living in a motel where rent was paid by the week. I was thin in my twenties because I was malnourished and often near-starving at times. I never made a living wage until well into my forties. When I left philanthropy, I wasn’t as good looking, I wasn’t as funny.<sup>27</sup>

Indeed, “when Jews choose to self-actualize their own identities, the threat is always delivered that if the Jewish community doesn’t behave itself, access, safety and opportunity will be taken away.” Jews receive death threats, their houses of worship are targeted, their burial sites are desecrated. “Systemic antisemitic violence and threats are forms of social control and they exist to ensure that Jews know their place . . . Privileged white communities simply don’t receive threats like this; they don’t need to.”<sup>28</sup>

## The Threat Antisemitism Poses to Inclusive Democracy

Antisemitism harms all who benefit from an inclusive democracy and informed electorate. As Yair Rosenberg wrote in *The Atlantic*<sup>29</sup> recently, “This ignorant status quo has proved deadly for Jews, and that alone should be enough for our society to take it seriously. But it has disastrous consequences for non-Jews as well. This is because people who embrace conspiracy theories to explain their problems lose the ability to rationally solve them.”

Rosenberg quotes Bard College’s Walter Russell Mead, who states:

*People who think “the Jews” run the banks lose the ability to understand, much less to operate financial systems. People who think “the Jews” dominate business through hidden structures can’t build or long maintain a successful modern economy. People who think “the Jews” dominate politics lose their ability to interpret political events, to diagnose social evils and to organize effectively for positive change.*

<sup>26</sup>Ward, “Evolution of Identity Politics.”

<sup>27</sup>Ward, “Evolution of Identity Politics.”

<sup>28</sup>Ward, “Evolution of Identity Politics.”

<sup>29</sup>Rosenberg, “Why So Many People Still Don’t Understand Antisemitism.”

Rosenberg also quotes our team member Eric K. Ward, who explains:

*Anti-Semitism has real impact beyond just hate crimes. It distorts our understanding of how the actual world works. It isolates us. It alienates us from our communities, from our neighbors, and from participating in governance. It kills, but it also kills our society. Anti-Semitism isn't just bigotry toward the Jewish community. It is actually utilizing bigotry toward the Jewish community in order to deconstruct democratic practices, and it does so by framing democracy as a conspiracy rather than a tool of empowerment or a functional tool of governance.*

As Rosenberg concludes, “In other words, the more people buy into anti-Semitism and its understanding of the world, the more they lose faith in democracy.”<sup>30</sup>

### **Selected Training Guides**

1. Love Thy Neighbor: A Guide for Tackling Antisemitism While Committing to Justice for All –Brown University
2. A Very Brief Guide to Antisemitism – T’ruah
3. ADL's Toolkit on How to Fight Antisemitism Today – Anti-Defamation League
4. Understanding Antisemitism: An Offering to our Movement – Jews for Racial Justice
5. Responding to Antisemitism Messaging Guidelines – Western States Center

### **Related Writings by Eric K. Ward**

- Conspiracy Theories Are Killing Us, America, Medium (Feb 24, 2021)
- “Somebody Must be Blamed,” Antisemitism: The Equal Opportunity Ideology, Medium (July 15, 2020)
- The Evolution of Identity Politics, Tikkun Magazine (April 4, 2018)
- Antisemitism at the core of white nationalism, The Jerusalem Post (March 31, 2018)
- Forcefully Opposing Antisemitism Must Be a Core Principle for the Movement to Combat White Supremacy, Tablet Magazine (December, 2017)
- As White Supremacy Falls Down, White Nationalism Stands Up, Pop Culture Collab (October, 2017)
- Skin in the Game: How Antisemitism Animates White Nationalism, The Public Eye (June 29, 2017)

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<sup>30</sup>Rosenberg, “Why So Many People Still Don’t Understand Antisemitism.”

# CLASSISM

*Saqib Bhatti and Keri Leigh Merritt, Ph.D.*<sup>1</sup>

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## Introduction

“You are kept apart so that you may be separately fleeced of your earnings,” the famous Georgia populist leader Tom Watson told a crowd of Black and white laborers in 1892. Elite whites established and perpetuated segregation between the poor of all races, he argued, to their own economic benefit. “You are deceived and blinded that you may not see how this race antagonism perpetuates a monetary system which beggars both,” Watson rightfully crowed.<sup>2</sup>

Classism is the belief in or support for a policy or idea that denies value, dignity, liberties, and opportunities to people based on their perceived membership in a socioeconomic group. The creation, implementation, and perpetuation of bigoted laws, policies, practices, and narratives serves to consolidate power in the hands of the ruling group.

Just like all bigotry categories, classism intersects with almost every other marginalization in America, particularly racism. According to Dr. Ibram X. Kendi, a class racist is “[o]ne who is racializing the classes, supporting policies of racial capitalism against those races-classes, and justifying them by racist ideas about those race-classes.”<sup>3</sup>

From the eras of brutal colonialism and slavery to the struggles of working-class people today, many of the problems plaguing America are a direct result of classist racism. The oligarchs of this country have and have always had fortunes to protect, and white supremacy has always assured their place at the apex of society.

Whether pitting laborers of different races against each other, stoking xenophobic and racial fears through a sensationalistic and profit-driven media, or politically scapegoating entire ethnic groups, America’s white elite have successfully modernized age-old strategies of using racism to prevent the formation of a broad coalition of people along class lines—and across racial lines.

Falling incomes, rising poverty, harsh labor laws, inadequate social safety nets, and mass incarceration have brought the country to an unethically unequal state. By allowing and even perpetuating the spread of civic ignorance, by propagating historical lies and political untruths, and by engendering an insidious form of racism, upper-class whites continue to maintain their position atop society – amassing ungodly multi-generational fortunes at the expense of the rest of the country. No matter how well-educated, hard-working, or inspired, a child born into poverty in America today has very little chance of ever escaping it.

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<sup>2</sup>Thomas E. Watson, “The Negro Question in the South,” *The Arena* 6 (Oct. 1892): 540-550.

<sup>3</sup>Ibram X. Kendi, *How to be an Antiracist* (New York: One World, 2019), 151.

## Manifestations

Classist bigotry manifests itself in many ways—in all places, across all times, in all events. The problem at the root of all other American problems is such disparate inequality in the richest nation in the history of the world. Classism is one of the key tools by which the elite maintain their vast wealth, power, and control.

One particularly insidious way those in power perpetuate classist racist misogyny is by invoking racist stereotypes of poor Black and Latinx people, usually women, as the face of poverty. The stereotypes used to describe Black and Latinx women are the same ones used to denigrate all impoverished people—they have too many children, they are too licentious and sensual, they are alcoholics or drug abusers, they are lazy and just want a handout. These stereotypes are not inherently racial, but rather are rooted in classism. They describe widely held beliefs about why poor people are undeserving of help.

The racialization of these stereotypes in the public discourse is a double-edged sword. On the one hand, it offers an alternative explanation for why BIPOC families are significantly poorer than their white counterparts, one that conveniently erases the role of structural racism, forced labor, and ongoing racial extraction. In so doing, it shifts the responsibility for repairing the legacy of racism and white supremacy in this country from its perpetrators and beneficiaries to its victims, who are presumed to bear personal responsibility for their economic condition. If the disproportionate poverty of Black people is a personal and moral failure, then they need tough love, not reparations. The result is a set of harsh and punitive policies aimed at poor people. On the other hand, the racialization of these stereotypes harms poor white people as well because many of the anti-poor policies that are fueled by racist animus are race-blind.

By making poor Black and Latinx women stand-ins for all poor people, the oligarchs are able to stoke classism by invoking racism, cementing the link between race and class in public discourse. They then use this classist racism to defund popular public services that could help lift millions out of poverty. In his epic tome, DuBois argues that once Black Americans gained their freedom, they found themselves at the bottom of the “free labor” society, and elite whites used racism to prevent class alignment between Black people and poor whites.<sup>4</sup>

A major paradigm for classist policies is ACCESS, or more accurately, LACK of ACCESS to various services, jobs, and opportunities: a lack of access to what are supposedly human rights. At home, poor people often lack access to food security, affordable housing, and basic healthcare. Their children lack access to fully funded, quality public education, whether it is daycare and early childhood education, K-12 education, or higher education. Poor women in particular are harmed by a lack of access to birth control, safe abortions, and even maternal healthcare while pregnant and giving birth.

In the workplace, poor people in America lack access to the right to organize to improve their working conditions, equal pay for work regardless of race, gender, sexuality, age, and disability, and safety from harassment. In their communities, they often lack access to public transportation, clean air and water, and even the right to vote freely and easily. In old age—if they are lucky enough to outlive all the detrimental health hazards of being poor—they lack access to a secure retirement. In reality, many

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<sup>4</sup>W.E.B. DuBois, *Black Reconstruction in America, 1860-1880* (reprint, 1935; New York: Scribner, 1995).

poor people, especially poor Black people, have significantly lower life expectancies than the national mean. These are massive holes in our public services infrastructure that remain intentionally unfilled. The system is fundamentally broken and nothing short of a complete and total overhaul of every aspect of how the government deals with poverty will come close to fixing it.

Classist racism is the foundation for getting poor white people to rationalize withholding these services from themselves, to the benefit of the oligarchs who would otherwise have to pay greater taxes to fund social welfare programs. Studies show that conservative white people approve of increasing taxes to fund a social safety net when they think it is primarily white people who will benefit, but support drops precipitously if they believe the benefit will accrue heavily to people of color.<sup>5</sup> It is not a coincidence that the conservative war on Big Government and white flight started after the Civil Rights Movement's hard-fought wins to recognize that Black people had the right to equal access to services like public education, public housing, and public hospitals.<sup>6</sup>

## Financialization

Corporations, particularly big banks and other financial institutions, have played a substantial role in driving racial and economic inequality. From racist redlining that prevented Black families from building wealth through homeownership to the predatory, discriminatory lending that resulted in the 2008 foreclosure crisis, banks and mortgage lenders been a driving force behind the racial wealth gap.

- *Race for Profit*, by Keeanga-Yamahtta Taylor: This book shows how exploitative real estate practices in the late 1960s and 1970s continued to hurt Black Americans long after housing discrimination was banned by the federal government. Racist exclusion was thus never “eradicated,” argues Taylor, “but rather transmuted into a new phenomenon of predatory inclusion.”<sup>7</sup>
- *The Color of Money*, by Mehrsa Baradaran: At the time of freedom from slavery, Black Americans owned less than one percent of the US’s wealth, and as of 2019, that percentage has only barely changed (she cites less than 2 percent, half of William Darity’s findings of 4 percent). In addition to the well-documented ways Africans Americans have been plundered of their wealth and income by whites (unfree labor, carceral state, racial massacres, racist laws), Baradaran shows how the history of Black banking has added to the racial wealth gap as well.<sup>8</sup>

Just as racist redlining by banks prevented Black families from building intergenerational wealth by systematically denying them access to homeownership, racist reverse redlining during the subprime housing boom, in which lenders targeted Black and Latinx families with predatory mortgage loans that were designed to fail, caused families of color to lose the little wealth that eventually had been able to build. A 2015 study by the Social Science Research Council found that banks and mortgage lenders

<sup>5</sup>Rachel Wetts and Rob Willer, “Privilege on the Precipice: Perceived Racial Status Threats Lead White Americans to Oppose Welfare Programs,” *Social Forces* 97, no. 2 (Dec. 2018): 793-822, <https://doi.org/10.1093/sf/soy046>.

<sup>6</sup>Jonathan M. Metz, *Dying of Whiteness: How the Politics of Racial Resentment Is Killing America's Heartland* (New York: Basic Books, 2019).

<sup>7</sup>Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019).

<sup>8</sup>Mehrsa Baradaran, *The Color of Money: Black Banking and the Racial Wealth Gap* (Cambridge, MA: Harvard University Press, 2019), 69-100.

targeted Black borrowers with higher-priced subprime loans that were more likely to result in default, even when they qualified for cheaper conventional mortgages.<sup>9</sup>

While banks disproportionately foreclosed on Black and Latinx families in the aftermath of the 2008 financial crash as a result of these racist lending practices, it is important to note that nearly 70% of families who had their homes taken away were actually white. This is because even though Black and Latinx families were more heavily targeted by predatory subprime mortgages than white families, there are still a lot more poor, white people in the country than there are poor people of color. By racializing the foreclosure crisis as an issue of greedy and irresponsible Black and Latinx borrowers looking to live outside their means, conservatives were able to prevent broad public support for meaningful measures loan modifications with principal reduction that could have kept millions of people in their homes, most of whom would have been poor white families.

### **Erasure/Invisibility/Dispossession Criminalization: Access to Citizenship**

Michelle Alexander calls our criminal justice system “the New Jim Crow.”<sup>10</sup> The criminalization of poverty, with racially disparate enforcement and sentencing, plays a critical role in maintaining this system.

For classism, the entire criminal justice system maintains this bigotry at every level, making poor Black people more likely to be arrested and spend more time locked up after arrest, trapping them in a cycle of poverty after they are released.

First of all, we have a spate of laws that criminalize the poor for living their lives, like anti-vagrancy laws and anti-loitering laws that target people who are unhoused. Due to the racist nature of policing, Black men in particular are more likely to be arrested as a result of these laws. Once they are arrested, there are systems like cash bail, super-high costs for lawyers, extremely overburdened court-appointed lawyers, and the imposition of fines and fees as punishment that make poor people more likely to be locked up for extended periods of time even before they have been convicted of any crime.

Furthermore, the threat of harsh sentencing laws and facing racist judges and juries force many poor Black people to take plea deals or enter into diversion programs with predatory fees and excessive penalties even if they are innocent. Once poor Black people are released from jail, they face myriad obstacles that trap them in a cycle of poverty and can land them back in jail—for example, criminal background checks, credit score requirements, and drug tests for employment or housing. If they end up with a felony conviction on their record, they are often stripped of their right to vote in the future as well.

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<sup>9</sup>Sarah Burd-Sharps and Rebecca Rasch, “Impact of the U.S. Housing Crisis on the Racial Wealth Gap Across Generations,” *Social Science Research Council* (June 2015): 9,

[https://www.aclu.org/sites/default/files/field\\_document/discrimlend\\_final.pdf](https://www.aclu.org/sites/default/files/field_document/discrimlend_final.pdf).

<sup>10</sup>Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, (New York: The New Press, 2011).

In the book that began the new abolitionist literature, Dr. Angela Y. Davis argues that the modern prison is a brutal continuation of unfree labor, where millions of men and women are exploitatively forced to work for private corporations and the government.<sup>11</sup> She explicitly calls for decarceration.

Scholars such as Ruth Wilson Gilmore have directly linked the labor market to the growth of mass incarceration, crediting the “surpluses of finance capital, labor, land, and state capacity” for its expansion.<sup>12</sup> Conversely, the prison industrial complex then weakens worker powers and protections, silences civil rights leaders, and stands as a constant, omnipresent warning to anyone who dares fight for better working conditions—for better lives.<sup>13</sup>

## Mitigation and Liberation

To be able to address these problems going forward, we must truthfully explain why people have learned racist, classist, bigoted history for so many generations. In telling the historical truth, many of the stigmas surrounding these issues can start to be addressed, and the public will be able to better understand how certain inequities came to be: that they were made by policies, laws, and daily decisions by those in power, to preserve their power.

With the United States remaining the only wealthy nation in the world with such abysmal rates of poverty and inequality, with no real social safety net for citizens in need, and no promise of a minimum standard of living, a Third Reconstruction is perhaps our most promising hope.

Reconstruction is defined by several factors, but put simply: Reconstruction happens when the federal government intervenes in the states—whether through Constitutional amendments or federal legislation—to expand civil rights for all.

The first Reconstruction is the actual Reconstruction—the one that immediately followed the emancipation of over 3.5 million enslaved Black laborers. Coming on the heels of the bloody Civil War, it unfortunately fell far short of changing much of America’s racist economic structure. It did, however, revolutionize (at least theoretically) the political landscape of America. The “Reconstruction Amendments,” that is, the 13th, 14th, and 15th Amendments, ended chattel slavery, extended citizenship to all men born on American soil, and endowed them with suffrage rights. Although these rights would soon be tempered by violent and sinister forces, their grave importance is still demonstrable.

The Poor People’s Campaign and many historians call the Civil Rights Movement of the 1950s and 60s the Second Reconstruction. The Second Reconstruction accomplished much politically, including, at the federal level, The Civil Rights Act of 1964 and the Voting Rights Act of 1965.

<sup>11</sup>Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003).

<sup>12</sup>Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crises, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 88.

<sup>13</sup>Dorothy E. Roberts, “Foreword: Abolition Constitutionalism,” *Harv. L. Rev.* 133, no. 1, (Nov. 8, 2019): 16-17, notes 69-72; Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014); Gilmore, *Golden Gulag*; Ruth Wilson Gilmore and James Kilgore, “Some Reflections on Prison Labor,” *Hard Crackers*, June 24, 2019, <https://hardcrackers.com/reflections-prison-labor/>.

We have surely witnessed the beginnings of our Third Reconstruction over the past few years, and there are several reasons for that. In addition to the vast racial wealth gap caused by white supremacy during the horrors of slavery, Jim Crow, and beyond, we must also keep in mind that the recession of 2007-2008 hit Americans hard—and it hit the poorest, of course, the hardest.

While white people have now recovered most of the wealth they lost in the crash, due to the ravages of history and racism, people of color have not fared as well. Half of all wealth owned by Black Americans was lost in the 2007-2008 market crash, and that number still hasn't caught back up to pre-recession levels. But perhaps even more frightening is the current inevitability of yet another crash soon – if politicians don't make major changes to the economy in the next few years.

## Key Recommendations

- **Reparations for Black and Indigenous people:** The United States was built on the backs of enslaved Black people and the stolen land of Indigenous people. Enslavement and genocide are at the heart of our current socioeconomic structure. In order to address economic inequality going forward, we must repair this past harm. We must pay reparations to Black and Indigenous people.
- **Massive expansion of the social safety net:** We need to have the free, universal provision of high-quality public services like education at every level—from early childhood to post-graduate housing, healthcare, childcare, eldercare, transit, utilities, and broadband internet access. These are all basic human needs that are critical to functioning in modern society. They should be available to everyone regardless of economic status.
- **Universal basic income (UBI):** In addition to a strong, comprehensive, and fully funded social safety net, every person also should be entitled to a universal basic income. This must be in addition to a strong social safety net, not in place of it, as some have suggested. Karl Widerquist, a Georgetown professor of political philosophy, estimated that at \$6,000 per child and \$12,000 per adult, the net cost of UBI would be \$539 billion per year.<sup>14</sup> This number may sound astronomical, but to put it into perspective, Widerquist writes, a UBI would cost “less than 25 percent of the cost of current US entitlement spending, less than 15 percent of overall federal spending, and about 2.95 percent of Gross Domestic Product.”<sup>15</sup> It would immediately lift more than 43 million people out of poverty, including 14.5 million children.<sup>16</sup> The cost of not eliminating poverty? It's over \$3 trillion a year.<sup>17</sup>
- **Federal jobs guarantee (FJG):** UBI would work best if paired with a federal jobs guarantee. The vast majority of Americans want to work; they derive a sense of pride and fulfillment and identity from their jobs. A FJG undoubtedly would transform the United States. Taking the best aspects of the New Deal (and learning lessons from the era about what not to do), a FJG would have the power to completely rebuild our nation's infrastructure, modernizing the country and

<sup>14</sup>Karl Widerquist, “The Cost of Basic Income: Back-of-the-Envelope Calculations,” *Basic Income Studies* 12, no. 2, (2017): 2, <https://doi-org.ezproxy.bu.edu/10.1515/bis-2017-0016>.

<sup>15</sup>Widerquist, “Cost of Basic Income,” 2.

<sup>16</sup>Widerquist, “Cost of Basic Income,” 2.

<sup>17</sup>Widerquist, “Cost of Basic Income,” 2.

making it accessible to most non-car owners. It would radicalize our choices in aging and end-of-life care, as more Americans could stay at home with loved ones and have medical professionals and caretakers come to them. Additionally, we might finally have enough qualified professionals to engage in mental health care, helping to alleviate some of the nation's rampant drug and alcohol abuse. A FJG would unquestionably help narrow the achievement gap in schools, as high-quality universal childcare could be offered from infancy. For many women with children, this fact alone would allow them to continue their own careers without worrying about earning less than what their childcare costs. Further, with at least one-third of workers in the private sector not getting paid sick leave, and a full quarter of Americans never enjoying paid vacation or holiday time, a federal jobs guarantee would offer ample paid time off, including family leave and short-term disability, to every worker. Notably, FJG is also a key way to narrow the gender pay gap by paying women for “women’s work”—taking care of the elderly, disabled, and young.

- **Right to retire with dignity:** We need to dramatically expand Social Security and Medicare to allow all seniors to retire with dignity. As part of this, we also need to address the fact that many Black people never live to 65 so never benefit from these programs. That could mean lowering age thresholds for retirement programs through a reparative framework. Social Security should be guaranteed to all regardless of immigration status or how much or how long they were in the workforce and it should pay all recipients the equivalent of a living wage.
- **Deeply progressive taxation:** One may naturally wonder who we would pay for all of this. We could do that through deeply progressive taxes on megacorporations, millionaires, and billionaires at every level of government. We need to tax billionaires out of existence. We can crack down on corporations that ship profits to offshore tax havens by taxing their untaxed or undertaxed income overseas.<sup>18</sup> Looking at the role the finance and tech sectors in particular have played in driving economic inequality and undermining democracy in the United States and abroad, we need to tax those two sectors in particular through a financial transactions tax and digital ad tax.
- **Right to organize and collectively bargain:** We need to reform labor laws to guarantee all workers the right to organize a union and collectively bargain to improve their working conditions.
- **Abolition of police and prisons:** As Alyx Goodwin from the Action Center on Race and the Economy says, “Police are the muscle of racialized capitalism.”<sup>19</sup> Their job is to maintain the socioeconomic status quo, the unequal and extractive system we live in. They help keep those in power at the top, and communities of color and poor people terrorized and terrified. There is no way to reform the policing and mass incarceration system in the United States because its primary purpose is to uphold the system that creates the racial and economic inequality that plagues our society. We need to defund and abolish the police, shut down our prisons, and decarcerate the two million people who are currently living in cages.

<sup>18</sup>Emmanuel Saez and Gabriel Zucman, “How to Tax Our Way Back to Justice,” *New York Times*, Oct. 11, 2019, <https://www.nytimes.com/2019/10/11/opinion/sunday/wealth-income-tax-rate.html>; see also Mariame Kaba, *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice* (New York: Haymarket, 2021).

<sup>19</sup>Tracey Corder and Solana Rice, “Living in Abundance,” *The Forge*, May 20, 2021, <https://forgeorganizing.org/article/living-abundance>.

- **Comprehensive immigration reform:** We need to legalize all immigrants in the United States, guarantee them full worker protections and access to the social safety net, and give them a pathway to citizenship. We need to decarcerate everyone currently caged in immigrant detention centers.
- **Democratic reform:** It is fair to ask how we can accomplish such a bold, progressive agenda when Democrats cannot even pass broadly popular legislation even when they have unified control over the federal government. As long as our elected officials are more beholden to corporate interests than they are to their constituents, we cannot address racial or economic inequality. As long as they believe they can effectively pick their constituents through gerrymandering their districts or by disenfranchising voters of color, we will not see change. We need to ban all money from politics and move to publicly financed elections. We need to pass voting rights legislation, get rid of the Electoral College, abolish the Senate and replace it with a parliamentary system, and make elections accessible to everyone. This means holding elections for weeks on multiple days and hours to make them accessible for all workers and moving elections for all politicians, including local ones, to once every four years to make every election really matter.

These measures are only a start. They are necessary but not sufficient to rooting out classist bigotry in the United States and creating a society in which poor people of all races can thrive and have the opportunity to lead joyful and meaningful lives with dignity.

# AN ABUNDANT QUEER & TRANS FUTURE: FREE FROM HETEROSEXISM & TRANSPHOBIA

Heron Greenesmith, Esq.,<sup>1</sup> Kwyn Townsend Riley,<sup>2</sup> & Michaé De La Cuadra.<sup>3</sup>

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## What's Left to Prove?

It is a painful exercise to answer the questions “how do heterosexism and transphobia manifest,” and “which laws and systems perpetuate bigotry against queer and trans people.” It is painful because we, the authors of this section of the report, are queer and trans people who, like queer and trans people across the country and the world, are continually forced to justify not only our existence, but also to prove that we face structural and interpersonal bigotry. The discrimination of queer and trans people is a recent, post-colonial phenomenon. In many indigenous societies in the past, trans people were seen as pillars to society and as spiritual beings, but due to the rigid nature of the gender binary and how this has been forced on the world in a non consensual manner, this has subsequently demonized and criminalized queer and trans people.

*“The first one is a stereotype that trans people and gay people at large are pedophiles . . . which is a way to ostracize and defend violence or justify being violent towards trans and queer people. . . . The other stereotype is that trans folks, specifically trans women, are demonic. There is symbology throughout many modern day cultures that ties the physical connection of having boobs and a dick to the devil. The devil is often depicted as having boobs and a dick symbolically, which creates a large culture of seeing those bodies as wrong, demonic and unnatural which ties into the whole religion thing . . . however, in many indigenous cultures, pre-colonial cultures, trans people were actually the pillars of the society . . .” (Participant 137, Conversation Group Participant)*

Millions of authors have written billions of pages and trillions of lines on the impacts of structural and interpersonal bigotry on queer and trans people. And trillions more lines on how to remedy this bigotry and create an abundant and liberatory future for our communities.

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<sup>3</sup>Michaé De La Cuadra is an artist, organizer, and policy expert based in Los Angeles, California. Their work centers transgender and gender variant people's experiences navigating a cis, heteronormative world and challenging our current systems to build a new equitable society free from violence against TGNC people.

Instead of rehashing these lines and poorly capturing the thoughts of more brilliant minds than ours in the limited space we have here, we have decided to provide a brief overview of the areas of structural and interpersonal bigotry that queer and trans people face, and then move into freedom dreaming.

The question we seek to answer, rather, is what does an abundant queer and trans future look like? One that is free from bigotry, heterosexism, and transphobia and transcends beyond the current systems that are built on these constructs?

Our answers for a better world will likely come from investing in responses like these, versus focusing on the already apparent issues that have plagued our communities for centuries, only to be incrementally less worse each year that comes. We want a world where queer and transgender people are granted dignity, respect and autonomy in society, reflected through policy and systems that dictate our ability to live. But further, we want a new society. A society free from the violent history that contextualizes our present and that has allowed for our suffering. A world where queer and trans people do not need to beg or fight with those in power to get crumbs and still struggling for survival. We will live in abundance.

*“...like Garden of Eden without bars...” (Participant 139, Conversation Group Participant)*

## Overview of Issues:

### 1. Day-to-day violence in all aspects of society

We foresee a world where those who are visibly and non-visibly queer and trans navigate the world without being demonized, fetishized, criminalized or murdered. Queer and trans people experience discrimination in multiple aspects of society as a result of sociocultural factors that ‘other’ queer and trans people and a lack of comprehensive policy that protects our lives and prohibits our mistreatment. Queer and trans people deserve to be treated fairly socially, institutionally, and systemically. For too long we have been disenfranchised by a system that demeans our existence. This lack of respect for our identities has led to the day-to-day violence we experience in public space, in work settings, in healthcare, in school, in sites of religion, and in all aspects of society generally.

### 2. Overtly bigoted laws being passed to deprive access to health care and education

In 2021, hundreds of state and federal bills were introduced attacking health and justice for LGBT people.<sup>4</sup> Arkansas passed a law restricting access to life-saving gender affirming care for trans youth, and ten states passed laws restricting trans youths’ participation in school sports.<sup>5</sup> State-endorsed and interpersonal discrimination lead to poorer health for LGBT people.<sup>6</sup>

<sup>4</sup>“Legislative Tracker: Anti-Transgender Legislation,” *Freedom for All Americans*, accessed March 27, 2022, <https://freedomforallamericans.org/legislative-tracker/anti-transgender-legislation/>.

<sup>5</sup>“Arkansas’ Equality Profile,” *Freedom for All Americans*, accessed March 27, 2022, [https://www.lgbtmap.org/equality\\_maps/profile\\_state/AR](https://www.lgbtmap.org/equality_maps/profile_state/AR); “Bans on Transgender Youth Participation in Sports,” *Freedom for All Americans*, accessed March 27, 2022, [https://www.lgbtmap.org/equality-maps/sports\\_participation\\_bans](https://www.lgbtmap.org/equality-maps/sports_participation_bans).

<sup>6</sup>Shabab Ahmed Mirza and Caitlin Rooney, “Discrimination Prevents LGBTQ People From Accessing Health Care,” *Center for American Promise*, Jan. 18, 2018, <https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-accessing-health-care/>.

*Health Insurance policies and the laws around who gets access to surgery . . . whether or not a trans person needs to get surgery is left up to insurance companies and the policies that are directly linked . . . I know multiple trans people who were denied access to the surgeries that they needed for their transition because they were deemed to be unnecessary or they were deemed to be cosmetic” (Participant 137, Conversation Group Participant)*

### **3. Positive laws that DON’T explicitly include trans / queer people, even if they do impact those communities; AND lack of enforcement / implementation for inclusive laws**

Over the years, many states have passed “good” laws and policies, but not enough has been done to fully put a halt to the discrimination that queer and trans people face on a regular basis. Many places have implemented non-discrimination policies that prohibit discrimination on the basis of sex, which has been clarified to include gender identity as well. But despite what is written into legislation, there is still a culture that allows for the discrimination and violence to occur. More needs to be done to prevent discrimination against queer and trans people, and this needs to be done outside of the walls of government that continuously ignore the violence queer and trans people experience. In addition, fights for equity must be linked and cannot happen in silos. For example, abortion narratives continue to neglect the reality that queer and trans people also get pregnant and need to access abortion care<sup>7</sup> and Congress has failed again to pass the Equality Act—the law that would enshrine federal nondiscrimination protections on the bases of sexual orientation and gender identity. Maybe these laws are not the solution, and we must think beyond these systems to truly create a world free from bigotry.

*“It’s just so difficult because another policy criminalizes another group of people . . . but like we’re not trying to send people to jail . . .” (Participant 133, Conversation Group Participant)*

Anecdotal, personal, and some empirical<sup>8</sup> evidence tell us that, while legal protections for queer and trans people are increasing, implementation and enforcement of those laws lags behind. And when enforcement relies on carceral frameworks,<sup>9</sup> those laws are wielded against Black people and other people of color, including queer and trans people of color.<sup>10</sup>

*“I was actually just reading about the housing discrimination laws. Because they’re not passed in all states and even the way that states interpret those laws still does not guarantee that someone will [not] be discriminated against based on their gender sexuality and I think what we’re saying is a lot of these laws are blanket*

<sup>7</sup>Alice Miranda Ollstein, Josh Gerstein and Alex Thompson, “Texas ban spotlights Democrats’ generational divide on abortion and trans issues,” *POLITICO*, Sept. 10, 2020, <https://www.politico.com/news/2021/09/10/texas-democrats-abortion-trans-issues-511078>; Olivia McCargar et al., “POV: Who Is Forgotten in Our Discussion of Abortion?” *BU Today*, Sept. 11, 2021, <https://www.bu.edu/articles/2021/pov-nonbinary-people-and-trans-men-need-abortion-care-too/>; Win Reynolds, “Texas abortion ban will likely ‘disproportionately impact trans and marginalized people,’” *Northwestern Now*, Sept. 15, 2021, <https://news.northwestern.edu/stories/2021/september/texas-abortion-trans-marginalized-people/>; Julie Moreau, “Bills restricting abortion rights, trans rights are ‘inextricably linked,’ advocates say,” *NBC News*, Sept. 15, 2021, <https://www.nbcnews.com/nbc-out/out-news/bills-restricting-abortion-rights-trans-rights-are-inextricably-linked-rcna2025>.

<sup>8</sup>Roddrick A. Colvin, “The Rise of Transgender-Inclusive Laws: How Well Are Municipalities Implementing Supportive Nondiscrimination Public Employment Policies?” *Review of Public Personnel Administration*, 27, no. 4 (Dec. 1 2007): 351, <https://doi-org.ezproxy.bu.edu/10.1177/1077800407301777>.

<sup>9</sup>Michael Bronski, Ann Pellegrini, and Michael Amico, “Hate Crime Laws Don’t Prevent Violence Against LGBT People,” *The Nation*, Oct. 2, 2013, <https://www.thenation.com/article/archive/hate-crime-laws-dont-prevent-violence-against-lgbt-people/>.

<sup>10</sup>See “Policy Spotlight: Hate Crime Laws,” *Movement Advancement Project* (July 2021): 26, <https://www.lgbtmap.org/policy-and-issue-analysis/2021-report-hate-crimes>.

*solutions. Like oh do not discriminate but people are still discriminated against every day and it doesn't guarantee anyone safety or security which just leads to an endless cycle of violence and harm...so yes, burn it all down" (Participant 132, Conversation Group Participant)*

Additionally, because of the lack of enforcement of these laws, many people do not know that they legally have rights that protect them from discrimination, many times rendering these laws obsolete. For example, while we now have a federal right of action under Title VII if we face employment discrimination on the basis of sexual orientation or gender identity, most Americans are unaware of the federal laws that protect queer and trans people from discrimination.<sup>11</sup>

#### 4. Practices of erasure and cultural incompetence

Queer and trans stories are erased from history,<sup>12</sup> pushed out of the dominant narratives,<sup>13</sup> and misunderstood as Western inventions. This erasure and a history lead to pervasive cultural incompetence,<sup>14</sup> compounded by racism, fat-phobia, ableism, colorism, misogyny, etc.

*"There is this type of heteronormative idea that you are queer or you are trans because something bad happened to you, not because I realized something beautiful within myself" (Participant 135, Conversation Group Participant)*

#### 5. Lack of support for trans providers, trans leaders, trans communities

Many of the people doing the work to support queer and trans people, are queer and trans people themselves. For years, community members have housed their own, fed their own, and provided resources when society refused to acknowledge their existence. Governments and large institutions like health care providers continue to provide paltry investment for trans leadership and communities,<sup>15</sup> while Black trans people continue to lead the modern civil rights movement.<sup>16</sup>

*"The resistance I got within a system that is supposed to be saving [my] life . . . they're inconsiderate of what I'm expressing . . . it is blatant disregard for my identity . . . I shouldn't feel horrible coming from the doctor, I shouldn't feel horrible speaking to a healthcare professional." (Conversation Group Participant)*

This is why a world must be created that addresses these core issues, and functions differently than what has been failing queer and trans people.

<sup>11</sup>Maria Caspani, "Americans' perception of LGBTQ rights under federal law largely incorrect," *Reuters*, June 12, 2019, <https://www.reuters.com/article/us-usa-lgbt-stonewall-equality/americans-perception-of-lgbtq-rights-under-federal-law-largely-incorrect-reuters-ipsos-idUSKCNITC120>.

<sup>12</sup>Manuela I. Picq and Josi Tikuna, "Indigenous Sexualities: Resisting Conquest and Translation," in *Sexuality and Translation in World Politics*, eds. Manuela Picq and Caroline Cottet (E-International Relations Publishing, 2019), 57-71, <https://www.e-ir.info/2019/08/20/indigenous-sexualities-resisting-conquest-and-translation/>.

<sup>13</sup>Che Gossett, "Žižek's Trans/gender Trouble," *Los Angeles Review of Books*, Sept. 13, 2016, <https://lareviewofbooks.org/article/zizeks-transgender-trouble/#>.

<sup>14</sup>Willy Wilkinson, "Cultural Competency," *Transgender Studies Quarterly*, 1, no. 1-2 (May 1, 2014): 68-73, <https://doi.org/10.1215/23289252-2399641>.

<sup>15</sup>Vivek Divan, et al. "Transgender social inclusion and equality: a pivotal path to development," *J. Int. AIDS Soc.*, 19 (July 17, 2016), doi: 10.7448/IAS.19.3.20803.

<sup>16</sup>Raquel Willis, "It's Time to Invest in Black Trans Power," *VOGUE*, June 30, 2020, <https://www.vogue.com/article/black-trans-lives-time-to-invest>.

## What is ABUNDANCE?

a·bun·dance

noun

an extremely plentiful or oversufficient quantity or supply

“Queer and trans people deserve a life of abundance, not scarcity”

It is clear that respectability and incrementalism won't help trans people. If they could have, they would have. We can't expect justice from a system that didn't incorporate us at its founding.

## What Needs to Change?

The whole world needs to not only accept the presence of trans, queer and gender non conforming people but respect our humanity. Acceptance is an action. This action can look like a variety of things. For example, inclusive housing, bathrooms, sport teams and organizations. The physical inclusion of queer and trans folks is a movement towards liberation. We can only be free, once we are accepted and respected for who we are. In addition, there needs to be inclusion of queer and trans folks making these decisions. Trans and queer people not only deserve a seat at the table, but should be seated at the head.

Organizations and businesses need to hire more trans and queer folks to lead the world towards a more equitable society.

We are not free until we are all free; therefore we must talk about the carceral system and its effects on destabilizing social justice. There should always be safety but we can have safety without the presence of police. There should always be justice but there can be justice without carceral systems. We want a world without police, policing and prisons. We want a world where there is no state sanctioned violence. A world where trans and queer people can be free.

Freedom demands acceptance, respect, safety and nutrition. Medical safety for trans and queer folks is necessary. Mental and physical hygiene should be a universal right and it is not. Changing this would extend our life expectancy, increase the ability for families to flourish and for people to live in the bodies that they want to live.

There are a lot of things that need to be changed from a political perspective, but the change that can start today is within us.

*“I don't see things that continue to hinder us like it's a clear path of like people in water and like love and live” (Participant 139, Conversation Group Participant)*

## Who is doing this work now?

1. BYP100
2. Brave Space Alliance
3. Audre Lorde Project
4. The TransLatin@ Coalition

5. Marsha P Johnson Institute

6. TGIJP

7. Transgender District

And many, many, more!

# ISLAMOPHOBIA

*Sahar Aziz, Esq., Khaled A. Beydoun, Esq., Dalia Mogahed and Lakshmi Sridaran*<sup>1</sup>

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## From Orientalism to Islamophobia

The attacks of 9/11, and the U.S. government's response known as the "Global War on Terror" that followed, positioned Muslim identity as the focal target of the national security state. The consequences have been characterized, understood, experienced, and named by grassroots communities and leaders to include not just the unjust foreign wars and interventions that the U.S. has waged under the Global War on Terror, but also the racial profiling, surveillance, spying, detention, and deportation our government has inflicted on Muslim, Arab, and South Asian communities in the U.S. In swift fashion, the Bush Administration restructured the national security, immigration and tracking apparatuses of the state, consolidated into the newly minted Department of Homeland Security (DHS). This Executive Branch restructuring resulted in what legal scholar Leti Volpp called the "consolidation of a new identity category that groups together persons who appear 'Middle Eastern, Arab, or Muslim.' This consolidation reflects a racialization wherein members of this group are identified as terrorists."<sup>2</sup> Finding a minority scapegoat allowed for sweeping legislation that eroded the civil liberties of citizens, and residents, who were or perceived to be Muslim. An expanding legal architecture committed to policing Muslims – built upon formative policies like the U.S. PATRIOT Act, the National Security Entry and Exit Registration System (NSEERS), and the Total Terrorism Information Act (EPIC) – were driven by a "redeployment of old Orientalist tropes."<sup>3</sup> Stereotypes, entrenched deep in the epistemic and legal memory of the nation, were wielded more furiously by the state to justify its overbroad and ominous policing of a vulnerable faith group.

In his landmark book, *Orientalism*, Palestinian scholar Edward Said crafted the master discourse that shaped the oppositional binary that shaped "western thought."<sup>4</sup> Said wrote that Orientalism is:

Not an airy European fantasy about the Orient, but a created body of theory and practice in which, for many generations, there has been a considerable material investment. Continued investment made Orientalism, as a system of knowledge about the Orient, an accepted grid for filtering through the Orient into Western consciousness, just as that same investment multiplied-- indeed, made truly productive--the statements proliferating out from Orientalism into the general culture.<sup>5</sup>

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<sup>2</sup>Leti Volpp, "The Citizen and the Terrorist," *UCLA Law Review* 49, no. 5 (June 2002): 1576.

<sup>3</sup>Leti Volpp, "The Citizen and the Terrorist," 1576.

<sup>4</sup>Edward Said, *Orientalism* (New York: Random House, Inc., 1978).

<sup>5</sup>Said, *Orientalism*, 6.

This cogent, carefully constructed epistemology oriented the Orient (e.g., the Muslim world) as not only the inferior foil of the Occident (e.g., the West), but also its ominous antithesis bent on destroying it and everything that it represented. Thus, Orientalism—as a generative discourse that colored the arts, literature, law, and, most potently, politics—framed Islam as “violent” and “warmongering,” “static” and “savage.” These tropes, and collateral ideas and images, were ascribed to the very subjects that hailed from the Muslim world. Not Muslims exclusively, but most potently and powerfully, those that adhered to Islam and identified as Muslims.

American Orientalism was most starkly on display during the Naturalization Era—the period from 1790 until 1952 when whiteness stood as an express, per se prerequisite to naturalized citizenship. During this period, Islam was perceived by civil court judges that presided over the citizenship petitions of immigrants as a distinct civilization or a an inassimilable faith.<sup>6</sup> More than just religion, judges framed Islam as an ideology, a civilization, and commonly, a “distinct” race that was inimical to American values and irreconcilable with whiteness; which functioned as the racial gateway toward citizenship.

In his law review article, “Between Muslim and White,” law scholar Khaled A. Beydoun examines how white supremacy enshrined into American citizenship law functioned alongside Orientalism to prohibit naturalized citizenship for Muslim immigrants from 1790 until 1944, a period of 154 years.<sup>7</sup> Long before the 9/11 terror attacks conflated Muslim identity with terrorism, American courts associated Islam and its adherents with violence, war and core and collateral Orientalist tropes that pushed them beyond the margins of the nation. The War on Terror, and the ensuing system of Islamophobia it spawned, fed off the deeply rooted culture of Orientalism that long preceded it.

### **(Re)Defining Islamophobia**

The War on Terror and its rapid protraction ignited prolific state and societal violence against Muslims, and “Muslim looking people.” Emboldened by the growing network of legislation and corroborating state action, members of the broader polity participated in a national campaign to police, punish, and extra-judicially prosecute Muslims. This popular “rage shared by law,” to quote law scholar Muneer Ahmad and his important treatise bearing that title, witnessed a moment where state-sponsored Islamophobia was stoking hate crimes and violence on the ground.<sup>8</sup> As a result, Islamophobia—as a distinct, cognizable form of bigotry—was taking shape. And even more, forming into a system of bigotry propagated by the state, private institutions, and a broader dialectic that tied governmental action with popular vigilantism. Like racism, Islamophobia was being fluidly constructed to legitimize the counterterrorism objectives of the state, and beyond the home-front, the string of wars carried forward in Iraq, Afghanistan, and by way of proxy campaigns in other Muslim-majority countries.

<sup>6</sup>Khaled A. Beydoun, “Between Muslim and White: The Legal Construction of Arab American Identity,” *New York University Annual Survey of American Law* 69, no. 1 (2013): 44, 47.

<sup>7</sup>Khaled A. Beydoun, “Between Muslim and White,” 53-56.

<sup>8</sup>Muneer I. Ahmad, “A Rage Shared by Law: Post-September 11 Racial Violence as Crimes of Passion,” *California Law Review* 92, no. 5 (October 2004): 1261-63.

Islamophobia emerged. Scholars and activists, pundits and politicians wielded fear of Muslims to peddle their discrete interests, while opponents of nefarious policies and attitudes incriminating Muslims as presumptive terrorists championed the term to describe the threat rising from state and society. While alternatives, like “anti-Muslim racism” and “anti-Muslim hate” were posed to describe it, Islamophobia won out in the court of public opinion. In rapid order, the term’s resonance and reach spread quickly, finding itself being uttered by news anchors and professors, activists organizing off and online, and elected officials. “Islamophobia” was part of the popular and political parlance, but its prevailing definition remained too narrow.

Circa 2014, Islamophobia was overwhelmingly understood as a form of aberrant hate or violence, unleashed largely by hatemongers or bigots. An excellent study by a group of scholars and advocates, titled *Fear Inc.*, moved the framing of Islamophobia toward an institutional understanding—focusing on a host of public and private institutions spreading anti-Muslim views.<sup>9</sup> However, this—and other definitions that preceded and followed it—fell short of explicating the state’s instrumental role in establishing, advancing and readapting Islamophobia. Apart from being a focal maker of Islamophobia, the state in fact was the principal spearhead of Islamophobia.

In a 2016 article, Beydoun offered a new framework of Islamophobia that integrated the role of the state and law.<sup>10</sup> This framework was anchored by a definition of Islamophobia as, “the presumption that Islam is inherently violent, alien, and inassimilable. Combined with this is the belief that expressions of Muslim identity are correlative with a propensity for terrorism.”<sup>11</sup> Beyond this foundational understanding of Islamophobia is a framework for examining its distinct dimensions, or manifestations: (1) private Islamophobia; (2) structural Islamophobia; and (3) dialectical Islamophobia. A brief description, and following example, is provided below:

§ (1) Private Islamophobia – “the fear, suspicion, and violent targeting of Muslims by individuals or private actors.”<sup>12</sup>

Example: the white supremacist gunmen that shot and killed 51 Muslims in Christchurch, New Zealand, in March of 2019.

§ (2) Structural Islamophobia – “the fear and suspicion of Muslims on the part of institutions—most notably, government agencies—that is manifested through the enactment and advancement of policies.”<sup>13</sup>

Examples: the US PATRIOT ACT, the Muslim Ban, the War in Iraq, state anti-Sharia Bans, and the Countering Violent Extremism (CVE) policing.<sup>14</sup>

§ (3) Dialectical Islamophobia – “Islamophobia is also a systematic, fluid and deeply politicized dialectic between the state and its polity: a dialectic whereby the former

<sup>9</sup>Wajahat Ali et al. “Fear, Inc.: The Roots of the Islamophobia Network in America,” *Center for American Progress*, Aug. 26, 2011, <https://www.americanprogress.org/article/fear-inc/>.

<sup>10</sup>Khaled A. Beydoun, “Islamophobia: Toward a Legal Definition and Framework,” *Columbia Law Review* 116, (Nov. 1, 2016): 108.

<sup>11</sup>Beydoun, “Islamophobia: Definition and Framework,” 111.

<sup>12</sup>Beydoun, “Islamophobia: Definition and Framework,” 111.

<sup>13</sup>Beydoun, “Islamophobia: Definition and Framework,” 114.

<sup>14</sup>Beydoun, “Islamophobia: Definition and Framework,” 115-16.

shapes, reshapes, and confirms popular views or attitudes about Islam and Muslim subjects inside and outside of American borders.”<sup>15</sup> The dialectic force of structural Islamophobia is most acute during moments of crisis, when state action authorizes and emboldens private Islamophobia violence.

Example: Trump’s Muslim Ban, and accompanying rhetoric (“Islam hates us), triggering “private targeting of Muslim Americans” to the highest levels since the aftermath of 9/11, “proliferat[ing] by a staggering 584 percent from 2014 to 2016.”<sup>16</sup>

This framework drives our analysis of Islamophobia in this study. By centering the role of the state as the leading purveyor of Islamophobia in the United States and beyond, the symbiotic role of private actors and private institutions reveals its operation as a system fueled by an ongoing dialectic that may bear a novel name, but feeds off longstanding misrepresentations.

### **Trajectory of Islamophobia and Anti-Muslim Sentiments Over the Last Ten Years: This is Not Something New**

The codification of Islamophobia, evident in naturalization and immigration law well before 2001, took on heightened salience after the 9/11 attacks.<sup>17</sup> Immediately after 9/11, initiatives including the USA PATRIOT Act, the National Security Entry-Exit Registration System (NSEERS), and other War on Terror policies enabled and amplified existing anti-Muslim bigotry.<sup>18</sup> Since 9/11, policies such as Countering Violent Extremism, Muslim registries, and Executive Order 13769, titled “Protecting the Nation from Foreign Terrorist Entry into the United States,” known colloquially as the “Muslim Ban,” further contributed to the demonization of Muslims and their profiling and surveillance by law enforcement.<sup>19</sup> Additionally, in courts of law, Muslim-perceived defendants receive harsher and longer sentences than non-Muslim-perceived defendants for similar crimes.<sup>20</sup>

Elected officials can shape how people interpret events, but it is the policies of elected officials that speak louder than their words. As discussed by Dalia Mogahed in an article for the Islamic Monthly,

<sup>15</sup>Beydoun, “Islamophobia: Definition and Framework,” 119.

<sup>16</sup>Khaled Beydoun, *American Islamophobia: understanding the roots and rise of fear* (California: University of California Press, 2018), 34, 42-47.

<sup>17</sup>Khaled A. Beydoun, “Boxed In: Reclassification of Arab Americans on the U.S. Census as Progress or Peril,” *Loyola University Chicago Law Journal* 47, no. 3 (2016): 693.

<sup>18</sup>For a list of post-9/11 government initiatives targeting Muslims see: Louise Cainkar, *Homeland Insecurity: The Arab American and Muslim American Experience After 9/11*, vol. 34 (New York: Russell Sage Foundation, 2009); Evelyn Alsultany, *Arabs and Muslims in the Media: Race and Representation after 9/11* (New York: New York University Press, 2012); “Timeline of the Muslim Ban,” *ACLU of Washington*, May 23, 2017, <https://www.aclu-wa.org/pages/timeline-muslim-ban>.

<sup>19</sup>Sahar F. Aziz, “A Muslim Registry: The Precursor to Internment?” *Brigham Young University Law Review* 2017, no. 4 (May 2017): 783-84; Sahar F. Aziz, “Losing the War of Ideas: A Critique of Countering Violent Extremism Programs,” *Texas International Law Journal* 52, no. 2 (Summer 2017): 256-59, 265.

<sup>20</sup>Kumar Rao and Carey Shenkman, “Equal Treatment? Measuring the Legal and Media Responses to Ideologically Motivated Violence in the United States,” *Institute for Social Policy and Understanding*, April 2018, <https://www.imv-report.org/>.

in March of 2001, before the 9/11 attacks, 45% of Americans had favorable opinions of Muslim Americans and 24% had unfavorable opinions.<sup>21</sup> In November of 2001, two months after the attacks, American opinion of U.S. Muslims actually *improved*, to 59% favorable and 17% unfavorable.<sup>22</sup> The president set the tone for the country. In those first few weeks after 9/11 when emotions were raw, when we could have had a disastrous period of anti-Muslim hatemongering, the leader of the nation called for tolerance.

Days after the terrorist attacks, President Bush visited the Islamic Center of Washington, D.C. and stated that “the face of terror is not the true faith of Islam. That’s not what Islam is all about. Islam is peace.”<sup>23</sup>

On September 20th, President Bush restated this principle in an address to Congress and the American people: “The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends.”<sup>24</sup>

However, these words rang empty, as incidents of hate violence against Muslims and those racialized as Muslim surged in the months following 9/11. Even the vastly underreported FBI data showed a twenty-fold increase in anti-Muslim hate crimes from 2000 to 2001. According to an ABCNews poll, between January and November of 2002, the percentage of the public that had an unfavorable opinion of Islam, believed Islam did not teach respect for other faiths, and perceived Islam encouraged violence, went up between nine and thirteen percentage points.<sup>25</sup> Between 2002 and 2014, annual hate crimes against Muslims remained five times higher than the pre-9/11 rate before surging again to 9/11 levels in 2015 as the one of the most divisive presidential election cycles began.<sup>26</sup>

It turns out that the actual policies implemented by elected officials matter much more than their words. The policies of the War on Terror, combined with “a well-documented media campaign to drum up support for the Iraq war, the Axis of Evil speech, and a number of anti-Islam statements from prominent white Evangelical leaders, played a major role in tipping the public opinion against Islam.”<sup>27</sup> Notably, Rev. Franklin Graham who gave the invocation at President Bush’s inauguration, “remarked (without irony), ‘Islam—unlike Christianity—has among its basic teachings an intolerance for those who follow other faiths.’”<sup>28</sup>

<sup>21</sup>Dalia Mogahed, “Islamophobia is Made Up,” *The Islamic Monthly*, September 25, 2013, <https://www.theislamicmonthly.com/islamophobia-is-made-up/>.

<sup>22</sup>Mogahed, “Islamophobia is Made Up.”

<sup>23</sup>Mogahed, “Islamophobia is Made Up.”

<sup>24</sup>Mogahed, “Islamophobia is Made Up.”

<sup>25</sup>“Critical Views of Islam Grow Amid Continued Unfamiliarity,” *ABC News Poll*, September 11, 2003, <https://abcnews.go.com/images/pdf/931a4Islam.pdf>.

<sup>26</sup>Lakshmi Sridaran, “Power, Pain, Potential.” *South Asian Americans Leading Together*, 2017, [https://saalt.org/wp-content/uploads/2017/01/SAALT\\_Power\\_rpt\\_final3\\_lorez.pdf](https://saalt.org/wp-content/uploads/2017/01/SAALT_Power_rpt_final3_lorez.pdf).

<sup>27</sup>W. Lance Bennett, Regina G. Lawrence, and Steven Livingston, “Press Politics in America: The Case of the Iraq War,” in *When the Press Fails: Political Power and the News Media from Iraq to Katrina*, (Chicago: University of Chicago Press, 2008), 18.

<sup>28</sup>Mogahed, “Islamophobia is Made Up.”

## The Obama Effect

During the period from 2009 to 2013, under President Obama, public opinion of Islam among Democrats improved. “Following an initial spike in negative perceptions of Islam as encouraging violence among Democrats and Republicans during the run-up to the Iraq war, Democrats’ negative views began to decrease slowly.”<sup>29</sup> From 2008 to 2009, Democrats’ views that Islam encourages violence more than other religions decreased from about 40% to 30%, where it has remained.<sup>30</sup> However, despite these shifts among personal opinions of individual Americans, the Obama administration continued the policies of the “War on Terror,” and even implemented new programs like the Countering Violent Extremism Program (“CVE”).

This program, which continued and expanded under the Trump administration to target the Movement for Black Lives, is now being repurposed under the Biden administration to address white supremacist violence through surveillance. But all manifestations of this program are based on the deeply flawed notion that the government can take “proactive actions to counter efforts by extremists to recruit, radicalize and mobilize followers to violence” by identifying specific behavioral traits and choices as designated by the government. Rather than examining the policies and actions of the state in justifying white supremacist violence, the program’s myopic focus on individual behavior will always render it unsuccessful. CVE’s historically outsized focus on Muslim communities has gained much attention and criticism from Muslim, Arab, and South Asian advocacy organizations, but it persists nonetheless, offering grants and other resources to organizations who are willing to spy on their communities and turn in individuals they believe are potentially being violently radicalized. According to the Brennan Center for Justice, CVE programs allow federal agencies to “mask efforts to gather intelligence, identify individuals who are not suspected of wrongdoing for surveillance, recruit informants and co-opt community leaders to promote government messaging.”<sup>31</sup> Much like NSEERS—a “War on Terror” government policy that required men ages 16 and over from designated Muslim-majority countries to register with the government, leading to over 13,000 unjust deportations and zero-terrorism related charges—CVE has proved ineffective. And just like NSEERS, it has unnecessarily destroyed trust within American Muslim communities.

Unsurprisingly, among Republications during this same period, from 2008 to 2013, there was sharp increase in anti-Islam sentiment. “By May of 2013 Republicans were roughly twice as likely (62%) as Democrats (30%) to say Islam is more likely than other religions to encourage violence among its believers.”<sup>32</sup> While there was “steady growth” in anti-Islam views among republicans during this period, there were also two distinct “spikes in negative sentiment, coinciding perfectly with the 2008 and the 2012 presidential election.”<sup>33</sup> These spikes illustrate the use of anti-Muslim rhetoric as a campaign tool by many Republican politicians.

<sup>29</sup>Mogahed, “Islamophobia is Made Up.”

<sup>30</sup>Mogahed, “Islamophobia is Made Up.”

<sup>31</sup>“Why Countering Violent Extremism Programs Are Bad Policy,” *Brennan Center for Justice*, September 9, 2019, <https://www.brennancenter.org/our-work/research-reports/why-countering-violent-extremism-programs-are-bad-policy>.

<sup>32</sup>Mogahed, “Islamophobia is Made Up.”

<sup>33</sup>Mogahed, “Islamophobia is Made Up.”

It is also notable that “public opinion on the link between Islam and violence did not change after the Boston Bombing among Republicans or Democrats, but *rose ten percentage points among Republicans during election cycles.*”<sup>34</sup>

## The Trump Effect

Donald Trump ran on a campaign that promised a “total shutdown of Muslims” in America, and made good on his promise with the Muslim ban. His rhetoric and policies were unflinchingly and consistently Islamophobic.<sup>35</sup> And the impact was clear: A staggering 70% of Republicans in 2017 endorsed the statement that Islam encourages violence more than other religions, spiking on cue in 2015 with the beginning of the Republican primaries.<sup>36</sup> It is especially striking to compare this number to the percentage of Republicans who endorsed this view in 2001, only months after the attacks of 9/11: 33%. Rhetoric matters more than events. Islamophobia is not organic. It is manufactured.

Interestingly, Trump’s hostility toward Muslims and his unfavorable ratings among Democrats may have helped improve Democrats’ views of Muslims slightly in the short term. After the initial spike in Democrat endorsements of a link between Islam and violence in 2015, this perception waned from 2015 to 2017. However, Democrats were still more likely in 2017 than in 2011 to hold this view.

Right wing political candidates have long relied on anti-Muslim tropes to garner support among their conservative constituents as evidenced during Trump’s 2016 “Make America Great Again Campaign.”<sup>37</sup> Though indiscriminating in his abuses, Trump was particularly vitriolic toward Muslims, famously stating, “I think Islam hates us,” and supporting the ideas of registering all Muslim American citizens and shutting down American mosques.<sup>38</sup> In South Asian Americans Leading Together’s (“SAALT”) 2018 report “Communities on Fire,” in one of every five incidents of hate violence documented, perpetrators directly referenced President Trump, a Trump Administration policy, or a Trump campaign slogan while committing the act of violence.<sup>39</sup> However, the Democratic party and supposedly left-wing elected officials and candidates have also doubled down on their support of Israel’s violent occupation of Israel, quelled Palestinian resistance across college campuses, engaged in anti-Muslim rhetoric, and supported anti-Muslim policy such as spying, surveillance, and indefinite detention. Lastly, like anti-Semitism,

<sup>34</sup>Mogahed, “Islamophobia is Made Up.”

<sup>35</sup>Brian Klaas, “Opinion: A short history of President Trump’s anti-Muslim bigotry,” *Washington Post*, March 15, 2019, <https://www.washingtonpost.com/opinions/2019/03/15/short-history-president-trumps-anti-muslim-bigotry/>.

<sup>36</sup>Pew Research Center, “How the U.S. General Public Views Muslims and Islam,” July 24, 2017, [https://www.pewresearch.org/religion/2017/07/26/how-the-u-s-general-public-views-muslims-and-islam/pf\\_2017-06-26\\_muslimamericans-07-06/](https://www.pewresearch.org/religion/2017/07/26/how-the-u-s-general-public-views-muslims-and-islam/pf_2017-06-26_muslimamericans-07-06/).

<sup>37</sup>Brian Robert Calvano et al., “Muslim Mistrust: The Resilience of Negative Public Attitudes after Complimentary Information,” *Journal of Media and Religion* 15, no. 1 (January 2, 2016): 30-32, <https://doi.org/10.1080/15348423.2015.1131041>; Desirée Schmuck, Jörg Matthes, and Frank Hendrik Paul, “Negative Stereotypical Portrayals of Muslims in Right-wing Populist Campaigns: Perceived Discrimination, Social Identity Threats, and Hostility among Young Muslim Adults.,” *Journal of Communication* 67, no. 4 (2017): 611-14, 616 <https://doi.org/10.1111/jcom.12313>.

<sup>38</sup>Gregory Krieg, “Trump’s History of Anti-Muslim Rhetoric Hits Dangerous New Low,” CNN, November 30, 2017, <https://www.cnn.com/2017/11/29/politics/donald-trump-muslim-attacks/index.html>.

<sup>39</sup>Radha Modi, “Communities on Fire,” *South Asian Americans Leading Together* (2018): 10, <https://saalt.org/wp-content/uploads/2018/01/Communities-on-Fire.pdf>.

Islamophobia has historically relied on a network of transnational groups and global discourses. The state-sanctioned oppression and repression of the Rohingya in Myanmar/Burma, Muslims in India and Kashmir, Uyghurs in China, and the occupation and demonization of Palestinians by the state of Israel all point to the global and interconnected manifestations of Islamophobia.<sup>40</sup>

## Muslims Uniquely Experience Institutional Religious Discrimination

The Institute for Social Policy and Understanding's American Muslim Poll illustrates the particular ways that American Muslims experience religious discrimination. Certainly, other groups experience religious discrimination—indeed, Jews reported an equal rate of religious discrimination in 2020.<sup>41</sup> However, “[m]ore than any other group that experiences religious discrimination, Muslims do so on an *institutional*, not just interpersonal, level.”<sup>42</sup> As ISPU reports: “This includes at the airport (44% of Muslims vs. 2% of Jews and 5% of the general public), when applying for a job (33% of Muslims vs. 5% of Jews and 8% of the general public), when interacting with law enforcement (31% of Muslims vs. 2% of Jews and 8% of the general public), and when receiving healthcare (25% vs. 5% of Jews and the general public).”<sup>43</sup>

## Gendered Islamophobia

In addition to its ideological and racial dimensions, Islamophobia manifests in ways that are both gendered and sexualized. Consider that Muslim men are imagined as dark-skinned misogynists but also emasculated “terrorists”<sup>44</sup> and Muslim women as the threatening extensions of their male relatives or as oppressed but simultaneously eroticized victims of their culture and religion.<sup>45</sup> The implications of gendered/sexualized Islamophobia are far-reaching—from the abuses of Muslim men at Abu Ghraib<sup>46</sup> to the ways Muslim women who choose to wear a headscarf or hijab are “marked” as quintessentially

<sup>40</sup>Nicole Kalczynski, “Global Islamophobia: China, India, and beyond: The Journal of Diplomacy and International Relations,” *Journal of Diplomacy and International Relations*, May 7, 2021, <http://blogs.shu.edu/journalofdiplomacy/2021/05/global-islamophobia-china-india-and-beyond/>; Knox Thames, “Why the Persecution of Muslims Should Be on Biden’s Agenda,” *Foreign Policy*, January 6, 2021, <https://foreignpolicy.com/2021/01/06/muslims-islam-china-india-myanmar-persecution-repression-biden-human-rights/>; Hatem Bazian, “The Islamophobia Industry and the Demonization of Palestine: Implications for American Studies,” *American Quarterly* 67, no. 4 (December 2015): 1057–58.

<sup>41</sup>Dalia Mogahed and Erum Ikramullah, “American Muslim Poll 2020,” The Institute for Social Policy and Understanding, October 1, 2020, <https://www.ispu.org/american-muslim-poll-2020-amid-pandemic-and-protest/>

<sup>42</sup>Mogahed and Ikramullah, “American Muslim Poll.”

<sup>43</sup>Mogahed and Ikramullah, “American Muslim Poll.”

<sup>44</sup>Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times*, Second edition, Next Wave (Durham: Duke University Press, 2017): 129–31; Jasbir K. Puar and Amit S. Rai, “Monster, Terrorist, Fag: The War on Terrorism and the Production of Docile Patriots,” *Social Text* 20, no. 3 (2002): 145, [https://doi.org/10.1215/01642472-20-3\\_72-117](https://doi.org/10.1215/01642472-20-3_72-117); Muhammadali P. Kasim, “Mappila Muslim Masculinities: A History of Contemporary Abjection,” *Men and Masculinities* 23, no. 3–4 (August 2020): 542–57, <https://doi.org/10.1177/1097184X18803658>.

<sup>45</sup>Lila Abu-Lughod, “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others,” *American Anthropologist* 104, no. 3 (September 2002): 783–90, <https://doi.org/10.1525/aa.2002.104.3.783>; Sahar Aziz, “The Muslim ‘Veil’ Post-9/11: Rethinking Women’s Rights and Leadership” *Institute for Social Policy and Understanding and British Council* (November 1, 2012): 17.

<sup>46</sup>Jasbir K. Puar, “Rethinking Homonationalism,” *International Journal of Middle East Studies* 45, no. 2 (May 2013): 336–39, <https://doi.org/10.1017/S002074381300007X>; Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review Books, 2004); Dylan Rodriguez, “(Non)Scenes of Captivity: The Common Sense of Punishment and Death,” *Radical History Review* 2006, no. 96 (October 1, 2006): 9–32, <https://doi.org/10.1215/01636545-2006-002>.

foreign and suspicious “terrorist others.”<sup>47</sup> While these racialized/gendered/sexualized dimensions contribute to social, psychological, and economic harm for individuals perceived to be Muslim, they also shape how Islamophobia manifests in media, political, legal, and transnational contexts. One “Gendered Islamophobia” framework created by Darakshan Raja of Justice for Muslims Collective, acknowledges and centers the interconnected “ways the state utilizes gendered forms of violence to oppress, monitor, punish, maim, and control Muslim bodies.”<sup>48</sup> This framework situates gendered Islamophobia at the “intersection of heteropatriarchy, institutionalized Islamophobia, and interlocking systems of oppression.”<sup>49</sup> And this framework acknowledges social constructions of gender binaries that harm Muslim women and girls and erase Muslim femmes, trans women, gender nonconforming and nonbinary individuals; the gendered portrayals of Muslim women as both “terrorists” and also “inherently oppressed”; the way Muslim women are depicted as “cultural representatives of Islam and Muslims and “their bodies as sites of control and domination”; and depictions of Muslim women as “lacking any agency” such that “violence against Muslim women and girls is often seen as normal and acceptable.”<sup>50</sup>

### Islamophobia at the Intersection of Anti-Black Racism

Islamophobia has various intersections with other forms of structural bigotry in the United States, namely anti-immigrant xenophobia and anti-Black racism. This manifests in multiple ways. As many Black Muslim scholars and activists have identified, the oppression and scholarship alike of those who reside at this particular intersection are often overlooked and erased, particularly within South Asian, Arab, and Middle Eastern American communities. Additionally, state violence, police brutality, targeted surveillance, immigration enforcement, and deportation have an outsized impact on Black Muslim communities, which also results in higher incidences of interpersonal hate violence. In “Communities on Fire,” data and analysis on incidents of hate violence during the first year of the Trump Administration showed that women wearing hijabs and Black Muslims were disproportionately the targets of the most violent hate crimes and incidents documented.<sup>51</sup>

Organizations like Muslim Anti-Racism Collaborative (“Muslim ARC”) identify “four groups who are marginalized in the discourse on Islam in North America” and seek to amplify their voices:

Black Muslims, recognizing the diverse experiences of the African Diaspora that includes descendants of victims of the trans-Atlantic slave trade in the Americas, Afro-Caribbean, Afro-Latinos, and African immigrants.

<sup>47</sup>Sahar F. Aziz, “From the Oppressed to the Terrorist: Muslim-American Women in the Crosshairs of Intersectionality,” *Hastings Race and Poverty Law Journal* 9, no. 2 (Winter 2012): 191-264

<sup>48</sup>Darakshan Raja, Sahar Pirzada, and Yazan Zahzah, “Partnership to End Gendered Islamophobia: Community Report,” *HEART, Justice for Muslims Collective*, and *Vigilant Love* (2020): 3.

<sup>49</sup>Raja, Pirzada, Zahzah, “End Gendered Islamophobia,” 4.

<sup>50</sup>Raja, Pirzada, Zahzah, “End Gendered Islamophobia”

<sup>51</sup>Radha, “Communities on Fire,” 4-5.

Latino Muslims, recognizing the diverse identities of people from Central and South America and Spanish-speaking former colonies.

Muslims who are Refugees, particularly from non-Arab countries such as Cham, Bosnian, Syrian, and Somali communities, who may not have access to the same resources as other groups.

Muslims from other underrepresented ethnic backgrounds in North American Muslim leadership, especially where those identities intersect with class identity.<sup>52</sup>

## Policy Recommendations

We recommend policy initiatives that impact both state institutions and private halls of power. While there are a range of initiatives for structural and educational reform implied within, we will focus on three prospective policy recommendations that can be initiated swiftly, and in turn, serve as foundational interventions to future proposals.

First, *Islamophobia trainings and workshops* led by experts. These trainings will seek to provide basic literacy to students, government employees, and corporate setting personnel—highlighting the anatomy and architecture of state-sponsored and private Islamophobia, notable policies and currents that perpetuate it, and action steps that can be implemented within institutions.

Second, *integrating anti-Islamophobia mandates* within non-Muslim organizational agendas. With the objective of making Islamophobia a primary racial justice concern, efforts should be made by experts and organizations focusing on Islamophobia to provide broad-based civil rights or social justice groups cogent resources and action steps that they can use to address Islamophobia in their own work.

Third, *integrate Islamophobia awareness more robustly in grassroots movements* pushing for abolition. And mainly, build coalitions with groups pushing for structural reform within realms of mass incarceration, community policing, and surveillance. With the War on Terror and its many fronts of surveillance being focal to both federal and local forms of policing, integrating the language and aims of Islamophobia more fully into the abolition discourses and movements is critical to undo them.

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<sup>52</sup>"About Page," *Muslim ARC*, <https://www.muslimarc.org/about> (last accessed April 13, 2022).

# LINGUIICISM

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## Historical Issues for Language and English Only

Linguistically, the United States has a peculiar past and a changing future. Despite the official establishment of a United States government in 1787, England was still the “mother” country and English language was part of that legacy. The United States constitution has no language requirement, since the early framers of the government were aware of past monarchical language restrictions, and they were aware that language promoted freedom of thought.<sup>2</sup> The United States, then, was formed from many national sources and languages. Hence, the “English” spoken in the United States today is a hybrid, with terms and phrases from around the world.<sup>3</sup> However, only 8.3% speak English less than well in the United States.<sup>4</sup>

Nevertheless, the persistent English only movement is founded on racism and notions of White superiority and supremacy.<sup>5</sup> Research highlights the use of a standard language ideology, which is embedded in a power hierarchy.<sup>6</sup> Certainly, the push for the English language has been directed toward every ethnic group deemed to be “outsiders” and this has usually meant against people of color.<sup>7</sup> This was demonstrated from the earliest years of colonial history. Since colonial times, the English language has been an issue of concern for both immigrants and those already in the American colonies.<sup>8</sup> In fact, those in the colonies quickly showed bias against newly arrived English speakers from England with their “foreign” accents, although English immigrants were welcomed and seamlessly incorporated into the United States’ population.<sup>9</sup> Indeed, English language becomes associated with perceptions of nationalism and of citizenship, and the connection between English language and being an American became a standard notion.<sup>10</sup> The colonial period, then, forged a tradition of hyper-assimilationist goals<sup>11</sup> or complete Anglo conformity.<sup>12</sup>

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<sup>2</sup>Andrew Hartman, “Language as oppression: The English-only movement in the United States” *Socialism and Democracy* 17, no. 1 (2003): 187-208, <https://doi.org/10.1080/08854300308428349>.

<sup>3</sup>Paul Spickard, *Almost All Aliens: Immigration, Race and Colonialism in American History and Identity* (Oxfordshire: Routledge Press, 2007), <https://doi.org/10.4324/9780203940846>.

<sup>4</sup>“People That Speak English Less Than “Very Well” in the United States,” United States Census Bureau, April 8, 2020, <https://www.census.gov/library/visualizations/interactive/people-that-speak-english-less-than-very-well.html>.

<sup>5</sup>Terrance G. Wiley, “Continuity and change in the function of language ideologies in the United States,” in *Ideology, Politics and Language Policies: Focus on English*, ed. Thomas Ricento (Amsterdam: John Benjamins Publishing, 2000).

<sup>6</sup>Hartman, “Language as oppression” 187-208; Rosina Lippi-Green, “Accent, standard language ideology, and discriminatory pretext in the courts.” *Language in Society* 23, no. 2 (1994): 163-198, <https://doi.org/10.1017/S0047404500017826>.

<sup>7</sup>Teresa Pac, “The English-Only movement in the US and the world in the twenty-first century.” *Perspectives on Global Development and Technology* 11, no. 1 (2012): 192-210. <https://doi.org/10.1163/156914912X620833>.

<sup>8</sup>Spickard, *Almost All Aliens*.

<sup>9</sup>Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life* (New York: Harper Collins, 2002); Spickard, *Almost All Aliens*.

<sup>10</sup>Alejandro Portes and Rubén Rumbaut, *Immigrant America: A Portrait, Fourth Edition* (Oakland: University of California Press, 2014).

<sup>11</sup>Daniels, *Coming to America*.

<sup>12</sup>Portes and Rumbaut, *Immigrant America*.

## English Only Movement

The preference for English language and a burgeoning English only movement has its roots in the 1750's with the first benevolent and missionary societies' efforts to eradicate indigenous languages and teach indigenous people English<sup>13</sup> – those same indigenous people whose languages predated colonization for thousands of years. African Americans were stripped of the various African languages, either through forced restriction or by gradual acculturation.<sup>14</sup>

In addition, German immigrants' language was a concern due to their sudden rise in the population on the east coast and in the Midwest.<sup>15</sup> Benjamin Franklin articulates the concerns over colonial German immigrants—both their lack of English language and their darker complexion—stating:

Why should the Palantine Boors (Germans) be suffered to swarm into our Settlements, and by herding together establish their Language and Manners to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion?<sup>16</sup>

Somewhat later, in 1917, Theodore Roosevelt again advocates for English only based on anti-German sentiment as follows:

We must have but one flag. We must also have but one language. That must be the language of the Declaration of Independence, of Washington's Farewell Address, of Lincoln's Gettysburg Speech and Second Inaugural. We cannot tolerate any attempt to oppose or supplant the language or culture that has come down to us from the builders of this Republic with language and culture of any other European country.<sup>17</sup>

## Colonial Legal Language Restrictions

Attempts to restrict language began early in United States history. By the late 1700s, the issue was whether government business and laws should be in English only. On January 13, 1795, Congress considered a proposal to print federal laws in German as well as English, but the proposal failed by

<sup>13</sup>K. Tsianina Lomawaima and Teresa L. McCarty, *To Remain An Indian: Lessons in Democracy from a Century of Native American Education* (New York: Teachers College Press, 2006).

<sup>14</sup>Spickard, *Almost All Aliens*.

<sup>15</sup>Daniels, *Coming to America*; Portes and Rumbaut, *Immigrant America*.

<sup>16</sup>Portes and Rumbaut, *Immigrant America*, 217.

<sup>17</sup>Theodore Roosevelt, *The children of the crucible*. (1917), 2.

one vote.<sup>18</sup> A subsequent attempt was rejected. Language usage, then, becomes an issue during times of high immigration and/or when the United States faces racial tensions.<sup>19</sup> As noted by historian Frederick Luebke, “Laws regulating the use of languages in the United States evolved in the latter half of the 19<sup>th</sup> century. Before then English was so preponderant in usage that its official adoption seemed superfluous in most states. Louisiana, which became a state in 1812, was an early exception because of its large French-speaking population.”<sup>20</sup>

As in colonial times, with the expansion of the United States, the Congress attempted to eradicate indigenous language with the passage of the *Civilization Fund Act* in 1819.<sup>21</sup> The act began the official process of United States elimination of indigenous languages (and eventually spirituality and culture) through children’s education. This act demanded English only be used.

The second wave of immigration (roughly late 1800s through 1930) brought the largest influx of immigrants the United States has ever experienced, producing 14.7% of the population.<sup>22</sup> The countries of origin expanded to include eastern and southern Europeans. With the growing number of immigrants, Nebraska passed a constitutional amendment to make English the official language of the state, in all proceedings, all schools (private and public), all records and publications.<sup>23</sup> This amendment is still on the books.

In 1923, the U.S. Supreme Court overturned a 1919 state law that prohibited teaching any language other than English to children before the 9th grade.<sup>24</sup> The law had been passed over concerns of Americanization of immigrants and a lack of assimilation. However, the Court held that parents had a right to educate their children in ways they saw fit.

The Immigration Act of 1965 ushers in the modern immigration wave.<sup>25</sup> The Act removed country of origin barriers, eliminating racially motivated restrictions. However, this meant an immigration shift from European countries of origin to Latin American and Asian countries of origin and an expansion of languages from new arrivals. Consequently, preferences for English only initiatives were reignited.

## Attitudes Towards non-English and Accented Speech

The study of language and its form, expression, and meaning has a long history. In 1936, Donald McGranahan outlined various approaches to understand the meaning of language, development

<sup>18</sup>Dennis Baron, “The Legendary English-Only Vote of 1795,” University of Illinois, Urbana-Champaign, accessed April 11, 2022, <http://faculty.las.illinois.edu/debaron/essays/legend.htm>.

<sup>19</sup>Frederick Luebke, “Legal Restrictions on Foreign Languages in the Great Plains States, 1917-1923,” in *Languages in Conflict: Linguistic Acculturation on the Great Plains* ed. Paul Schach (Lincoln: University of Nebraska Press, 1980), 1-19; Spickard, *Almost All Aliens*.

<sup>20</sup>Luebke, “Legal Restrictions on Foreign Languages,” 1.

<sup>21</sup>Civilization Fund Act, Pub. L. No. 15-85, 3 Stat. 516b (1819).

<sup>22</sup>Portes and Rumbaut, *Immigrant America*.

<sup>23</sup>Nebr. Const. art. I, § 27.

<sup>24</sup>*Meyer v. Nebraska*, 262 U.S. 390 (1923).

<sup>25</sup>Portes and Rumbaut, *Immigrant America*.

of language, and importance of language for transmission of culture.<sup>26</sup> In the case of English only preferences, the notion of Anglo superiority is evident.

The demand for English only is tied to attitudes toward non-English languages, as a marker of racial and ethnic group membership.<sup>27</sup> Attitudes are composed of beliefs or cognitions, affect or feelings, and behavioral predispositions.<sup>28</sup> Prejudice is an attitude, and stereotypes are the belief component of an attitude or prejudice, directed toward identifiable groups of people.<sup>29</sup> Prejudice contains an affective of feelings component, as well. While racial profiling involves the use of stereotypic attributes towards persons who look a certain way, linguistic profiling involves the use of stereotypes when people sound a certain way.<sup>30</sup> In line with linguistic profiling, foreign language use and accented speech can have a stigmatizing effect on perceptions of the speakers.<sup>31</sup> Moreover, accented speakers face discrimination in nearly all social institutions (i.e., education, employment, housing, courts), and even those with foreign language and accented speech hold negative views of themselves and of future social interactions with non-accented speakers.<sup>32</sup>

As early as 1960, researchers found that “Spoken language is an identifying feature of members of a national or cultural group and any listener's attitude toward a particular group should generalize to the language they use.”<sup>33</sup> Research has also shown that five to six months old infants show preferences for native English language users.<sup>34</sup> Moreover, children as young as five prefer native language speakers for friends over foreign language or accented speakers. Without hearing speech, children choose same race friends, but after hearing speech children show a native accent preference over race in friend choice.<sup>35</sup>

Thus, language is used as a marker for racial and ethnic group membership, and as such, biases against a non-English language or accented speaker is an indication of bias against the speaker's group, as “hearing the language is likely to arouse mainly generalized or stereotyped characteristics of the group.”<sup>36</sup> When we hear non-English language and accented speech our stereotypes are activated, and such stereotypes can influence our responses, including decision making. As an early example, in Canada, researchers demonstrated this with English and French speaking participants who provided different ratings on perceived traits for English or French bilingual speakers' taped recordings (i.e., the same person provided the tape in both languages).<sup>37</sup>

<sup>26</sup>D. V. McGranahan, “The psychology of language,” *Psychological Bulletin* 33, no. 3 (1936): 178-216, <https://doi.org/1037/h0056934>.

<sup>27</sup>John Baugh, “Racial identification by speech,” *American Speech* 75, no. 4 (2000): 363.

<sup>28</sup>Susan T. Fiske, *Social Beings: Core Motives in Social Psychology*, 4th ed. (Medford, MA: Wiley, 2018).

<sup>29</sup>Fiske, *Social Beings*.

<sup>30</sup>John Baugh, “Racial identification by speech,” *American Speech* 75, no. 4 (2000): 362-364.

<sup>31</sup>Agata Gluszek and John F. Dovidio, “The way They speak: A social psychological perspective on the stigma of nonnative accents in communication” *Personality and Social Psychology Review* 14, no. 2 (2010): 214-237.

<sup>32</sup>Gluszek and Dovidio, “The way They speak.”

<sup>33</sup>Wallace E. Lambert et al., “Evaluational reactions to spoken languages” *Journal of Abnormal and Social Psychology* 60, no. 1 (1960): 44.

<sup>34</sup>Katherine D. Kinzler, Emmanuel Dupoux, and Elizabeth S. Spelke, “The native language of social cognition” *PNAS* 104, no. 30 (2007): 12577-12580.

<sup>35</sup>Katherine D. Kinzler et al., “Accent trumps race in guiding children's social preferences” *Social Cognition* 27, no. 4 (2009): 623-634.

<sup>36</sup>Lambert et al., “Evaluational reactions to spoken languages.”

<sup>37</sup>Lambert et al., “Evaluational reactions to spoken languages.”

As part of our review of linguicism, we recruited participants for a focus group to discuss the implications of language bias. Ten participants were recruited from a variety of race/ethnic backgrounds, sexual orientations, and socio-economic statuses. They remained anonymous and were given a participant number. The discussions lasted for one hour, and participants were fully engaged in the discussions.

While participants in the focus group were from varied background and social groups, common themes were present in the commentary that demonstrate the meaning of language use and bias. For example, several participants mentioned that they experienced personal costs to themselves:

I grew up speaking Spanish and I did not learn English till I was older and I still have some issues thinking that I'm not communicating as well as I should be. And it haunts me even after so many years. I'm actually fourth generation Mexican American and a lot of people have a real problem with that. Not realizing that Hispanics or Mexicans were in this area, this what is now the United States before other Europeans, and that we've been here throughout that whole time, and yet even though I'm fourth generation, I still encounter people who think I'm an immigrant or that I don't speak English well enough to be considered an American, and it can be very depressing in some ways. And, that's what I mean by the rhetoric of dominance that, you know, that even though you're you, you've earned your way through all these things, you still are set aside, you're still put in a different category, and it's not... you're just not as good, and so that's kind of where I'm coming from.<sup>38</sup>

Another participant mentioned that:

I have to go through an extra work to be like Okay, how can I express this in a way that will be understood by my mostly you know white peers.

Several participants were concerned about integrated identities and bias based on language use, and commented on the intersectional relationship between their multiple identities. For example, there were participants who were persons of color and belonged to the LGBTQ+ community, and they struggled with language bias issues based on ethnicity and gender group membership.

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<sup>38</sup>Anonymized audio transcript on file with authors.

External racism and the connection between race and language use was a concern, as well. The stereotypes that accompany people with accented speech or who use a non-English language was deemed an issue. One participant demonstrated this with:

I work in engineering, particularly in aerospace defense. So, throughout my entirety of my life as a Black woman, who's part of LGBT community, who is androgynous, who all these different marginalized identities, I always have to deal with bigotry in various ways: racism to homophobia sexism, particularly because I work in tech slash stem um so I really wanted to contribute. There is a perception that because you have a southern accent that you're not intelligent... It's something that I've had to deal with; because . . . Black people don't assume that I'm an engineer.<sup>39</sup>

Another concern was the internalized and externalized racism against themselves or their families. This issue was mentioned several times. Internalized bias from one's own family due to a lack of original culture language ability or because a family member spoke a non-English language was demonstrated by a lack of ability, as with the following:

You know I've lost a lot of the ability to speak Vietnamese and, like other things without like reading and writing and everything like that and [I'm] sure like a lot of it is due to the sort of strained relationship that I have with my parents and the rest of my family but also there's just not structures, like where I live, that would be conducive to me being able to like maintain a stronger relationship to my culture. Linguistic issues intersect with issues of race and with my queer identity.

Similarly, another participant mentioned the loss of language ability.

I came to this so that I can add some perspective about like my experience with like language and the type of discrimination that I have faced and my family has faced in other people in like the West African community. Because I feel like I was kind of like stolen like out of my language, because I don't speak my home language and how like that affects me and why I don't because I used to and I don't anymore.

Or, language bias and racism because a father spoke Spanish, as follows.

Racism within my own family, my mom's family and not being accepting of my dad and vice versa, my dad's family, not necessarily being accepting of my mom and their relationship and then myself and my two brothers so I'm hoping to be able to provide that aspect.

With externalized racism, participants spoke of their parents' and their desire to participate in the focus group to honor their parents' language struggles. These included comments such as:

Because I am second generation and my parents were born in the Philippines, so I want to speak on their behalf, and what they experienced in terms of racism, and I also want to share my experience in the fashion industry as a person...

<sup>39</sup>See also Williams Comrie, Landor, Townsend Riley, and Williamson Contribution.

Or another participant:

I'm from the Midwest, and so I wanted to also kind of speak on my dad's behalf watching him kind of have to navigate the world as someone who didn't speak English in this country and who definitely, I guess, looks the part to a lot of people, as you know, someone who is an immigrant and you know, has like darker skin.

The costs of not speaking English or of speaking a non-English language was mentioned by several participants. One participant mentioned this with:

I'm an African immigrant and I have had a very complicated relationship with language um I grew up in Ethiopian and I lived most of my life there, and so I worked really hard to lose my accent. So, I sound very midwestern now. But I also wanted to speak on behalf of my parents. My mother only got a formal education up until she graduated high school, but my dad is a professor and he has a graduate degree, but he has a very thick accent, so a lot of times they would want me to do the communicating, even though he has a very vast vocabulary he's very knowledgeable and so, you know, they're both very strong.

Consequently, there is a cost, even inter-generationally, for speaking with accented speech.

Some participants spoke of the connections between phenotype and race identity, with language use as a means to demonstrate one's race group belonging.

I am a Black Hispanic male. I almost have to like prove my Hispanic business through being like, Okay, I can speak fluently this language that I was raised in. My mother's a Spanish teacher in Puerto Rico. my dad was born in Puerto Rico, but I still feel like I have to prove that to everybody else. It's an interesting intersection because I think a lot of people when they think of Hispanic person they don't think of a Black person.

And another mentioned phenotype for identification.

I think additionally people saw me and would say you know something along the lines of like I'm not Mexican because I have light skin but I'm also not white because my dad's Mexican, and so this kind of weird thing that was going on there.

Finally, the discussion focused on public policy and law, and one theme was the elimination of stereotypes that accompany non-English speakers and those with accented speech. However, it also was a concern that non-English speakers and those with accented speech were not receiving the assistance they needed in critical times. When asked about policy issues, one participant stated:

I think that language, can be a way of like keeping information or resources.

While another participant stated:

You should have that [language] incorporated, you should have interpreters, you should have, you know, translated materials, you should want to communicate with the communities that you're serving. But I think what happens, and we saw in the pandemic, is that there are huge populations of people that were just completely left out of being able to access services: access hospitals, access police, access the courts, based on language, and so you see sort of like the trauma that comes out of not being able to access critical services based on language and so that's another reason.

Another spoke about the language expectations from public institutions and the pressure this creates, with the following comment.

We like understand the information from like the institutions, from our institution, and also, I think that there's pressure. I feel pressure to code switch like you know when I'm in a classroom or when I'm speaking to my Professor, I, you know, I have to be careful with my words and vocabulary, so I, I am not deemed unintelligent because of my physical identity. And so I feel like I need to compensate by making sure that I'm very articulate and, like, I know what I'm talking about and but it's more reluctant, but then also I feel pressure to like speak a different way. With my friends, specifically, like my Black friends, where I feel pressure that I'm like not Black enough because I don't necessarily sound like them either, and I think there's a lot of pressure to conform depending on like the circumstances that you're in.

## General Findings on Language Bias

As with the focus group participants and their knowledge, today, we know much more about the ramifications of a foreign language or of accented speech on perceptions of speakers.<sup>40</sup> We know that

<sup>40</sup>See Scott A. Reid and Howard Giles, "Intergroup relations: Its linguistic and communicative parameters," *Group Processes & Intergroup Relations* 8, no. 3 (2005): 211-214: <https://doi.org/10.1177/1368430205053938>.

biases against language and accented speech permeates various areas of United States life,<sup>41</sup> making linguistic structural racism a serious issue that is often overlooked. Memory for accented speech is inferior to listening to standard English speech.<sup>42</sup> In general, we connect accented and non-accented speech with a physical appearance.<sup>43</sup> Speech seems more accented when exposed to an Asian face, than when shown a White one.<sup>44</sup>

Expectancy violations theory explains a series of studies that demonstrate this connection. Expectancy violations result in enhanced attributions, compared to when no violation in expectations has occurred.<sup>45</sup> For example, when given appearance then speech (German or Turkish), those who look “foreign” but then speak German received an increased competency rating, while speaking German then appearing “foreign” received a decreased competency rating.<sup>46</sup> In the United States, appearance and language also demonstrate expectancy violations theory. Black Americans who use nonstandard English are judged more positively (congruent) than White Americans who use nonstandard English (incongruent).<sup>47</sup> Language and accented speech are indicators of race and ethnic group membership.<sup>48</sup>

Given the connection between race/ethnicity and language and accented speech, we focus on two areas that demonstrate how linguistic biases are embedded in important institutions in the United States – the education and legal systems – and how these biases support systemic racism.

## Education

Today, Black and Latinx students are less likely to have access to quality education and to graduate from high school, compared to White students.<sup>49</sup> Historically, language use has been used to discriminate against students based on race/ethnicity within the United States education system. Some of the earliest school desegregation cases were founded on using Spanish language as justification for segregating Mexican American students from White students.<sup>50</sup> Albert Ramirez provides an overview of bias involving Spanish language speakers and those with Spanish accented speech. In particular, White and non-White students judged those with accented speech negatively.<sup>51</sup>

<sup>41</sup>Dawn L. Smalls, “Linguistic profiling and the law,” *Stanford Law & Policy Review* 15, no. 2 (2004): 579-604.

<sup>42</sup>Annette D’Onofrio, “Complicating categories: Personae mediate racialized expectations of non-native speech.” *Journal of Sociolinguistics*, 23 (2019): 346-366, <https://doi.org/10.1111/josl.12368>.

<sup>43</sup>D’Onofrio, “Complicating categories.”

<sup>44</sup>Yi Zheng and Arthur G. Samuel, “Does seeing an Asian face make speech sound more accented?” *Attention, Perception, and Psychophysics* 79 (2017): 1841-1859, <https://doi.org/10.3758/s13414-017-1329-2>.

<sup>45</sup>Neal J. Rouse and Jeffrey W. Sherman, “Expectancy,” in *Social Psychology: Handbook of Basic Principles* 2nd ed., eds. Arie W. Kruglanski and E. T. Higgins (New York: Guilford Press, 2007), 91-115.

<sup>46</sup>Karolina Hansen, Tamara Rakic, and Melanie C. Steffens, “Foreign-looking native-accented people: More competent when first seen rather than heard.” *Social Psychological and Personality Science* 9, no. 8 (2018): 1001-1009, <https://doi.org/10.1177/1948550617732389>.

<sup>47</sup>Lee Jussim, Lerita M. Coleman and Lauren Lerch, “The nature of stereotypes: A comparison and integration of three theories.” *Journal of Personality and Social Psychology* 52, no. 3 (1987): 536-546.

<sup>48</sup>Gluszek and Dovidio, “The way They speak.”

<sup>49</sup>Amelie Ramirez, “Research: Discrimination impacts educational outcomes for Latinos,” *Salud America!*, September 13, 2020, <https://salud-america.org/research-discrimination-impacts-educational-outcomes-for-latinos/>; “K-12 disparity facts and stats,” *United Negro College Fund*, last accessed {date}, <https://uncef.org/pages/k-12-disparity-facts-and-stats>.

<sup>50</sup>Jasmine B. Gonzales Rose, “Race inequity fifty years later: Language rights under the Civil Rights Act of 1964.” *Alabama Civil Rights & Civil Liberties Law Review* 6, no. 1, (2014): 167-212.

<sup>51</sup>Albert Ramirez, “Racism towards Hispanics: The culturally monolithic society”, in *Eliminating Racism*, eds. Phyllis A. Katz and Dalmas Taylor. (New York: Plenum Press, 1988), 137-157; see also Ramirez and Rosado Contribution.

Biases against Black people with English dialects have also been examined. In terms of educational performance, teachers have rated the same verbal descriptions differently for Black and White students who use middle class accents, with the Black students rated more negatively.<sup>52</sup> Scholars Fairchild and Edwards-Evans provide an overview of decades of research on a variety of education topics (e.g., teacher attitudes, educational expectations, administrators, etc.) where African American students' English dialects may negatively influence perceived educational performance.<sup>53</sup>

Law professor William Chin has shown that students need not speak a foreign language to encounter bias, an accented speech is enough to receive it.<sup>54</sup> Furthermore, there is evidence for negative perceptions of Black, Asian, Latinx, and Arabic scholars with accented speech which results in attributions of negative traits, abilities, etc. Chin recounts discriminatory treatment against students from each "race" category, and this treatment came from school personnel (e.g., teachers), other students (at various levels of schooling), and the public. It includes lower performance rankings, assignment of negative traits (unintelligent, poverty, unsuccessful, etc.), and negative emotions to accented speakers.

It should also be noted that teachers with accented speech are also denigrated. One study found that, in general, information was believed less truthful when the speaker had an accent.<sup>55</sup> Another study examined perceptions of practicing teachers, teacher candidates, parents, and high school students and found accented speech was less comprehensible and "...when an accent is 'present,' or at least detected by listeners, it is one of the most salient factors involved in rating a person's suitability to teach," in this case a negative suitability.<sup>56</sup>

Biased assessments have ramifications for students of color who speak with accented speech by lowered perceptions of academic performance and potential, less access to charter school entrance,<sup>57</sup> differential treatment by educators (including misdiagnosis as learning disabled)<sup>58</sup> and lowered ethnic pride and self-esteem.<sup>59</sup> Indeed, students with accented speech feel less a part of the United States and more like an outsider, compared to those with a regional or standard English accent.<sup>60</sup>

<sup>52</sup>Robert C. Granger et al., "Teacher Judgments of the Communication Effectiveness of Children Using Different Speech Patterns," *Journal of Educational Psychology* 69, no. 6 (1977): 795, <https://doi.org/10.37/h0078392>.

<sup>53</sup>Halford H. Fairchild and Stephanie Edwards-Evans, "African American dialects and school: A review," in *Bilingual Education: Issues and Strategies*, eds. Amado M. Padilla et al. (Thousand Oaks, CA: SAGE, 1991), 76-86.

<sup>54</sup>William Y. Chin, "Linguistic profiling in education: How accent bias denies equal educational opportunities to students of color," *The Scholar* 12, no. 3 (2010): 355-384.

<sup>55</sup>Shiri Lev-Ari and Boaz Keysar, "Why don't we believe non-native speakers? The influence of accent on credibility," *Journal of Experimental Social Psychology* 46, no. 6 (2010): 1093-1096, <https://doi.org/10.1016/j.jesp.2010.05.025>.

<sup>56</sup>Meghan Moran, Okim Kang, and Mary McGroarty, "Arizona educational stakeholders' perceptions of K12 teachers' accented speech," *Journal of Multilingual and Multicultural Development* (2021): 12, <https://doi.org/10.1080/01434632.2021.1921783>.

<sup>57</sup>William Y. Chin, "Linguistic profiling in education: How accent bias denies equal educational opportunities to students of color," *The Scholar* 12, no. 3 (2010): 355-384.

<sup>58</sup>Jennifer Keys Adair, *The Impact of Discrimination on the Early Schooling Experiences of Children from Immigrant Families*, Migration Policy Institute, September 2015.

<sup>59</sup>Patricia A. Cavazos-Rehg and Janice L. DeLucia-Waack, "Education, ethnic identity, and acculturation as predictors of self-esteem in Latino adolescents," *Journal of Counseling & Development* 87, no. 1 (2009): 47-54.

<sup>60</sup>John F. Dovidio et al., "Understanding Bias toward Latinos: Discrimination, Dimensions of Difference, and Experience of Exclusion," *Journal of Social Issues* 66, no. 1 (2010): 59-78, <https://doi.org/10.1111/j.1540-4560.2009.01633.x>.

This bias against students of color with accented speech is reflected in the public's views about language in schools. One study found Whites are less in favor of multiple languages in schools compared to non-Whites, based on responses to the statement "English should not be the only language used in public schools."<sup>61</sup> Indeed, another study found that dual language programs, intended to assist Latinx students with English language learning, were only valued when White students could gain a benefit from the program.<sup>62</sup> The inclusion of White students, with limited slots for enrollment, meant Latinx students were not provided admission to dual languages programs which were set up to offset learning and knowledge acquisition issues.

The education system in the United States, then, suffers from systemic bias in the perceptions, processing, treatment, and inclusion of students and teachers with accented speech and/or English as a second language. "Standard language ideology is a basic construct of our elementary and secondary schools' approach to language and philosophy of education."<sup>63</sup> This systemic bias may account, in part, for the difficulties many students and teachers of color encounter in identifying with education and academic pursuits.<sup>64</sup>

## How Does Language and Accented Speech Influence Racialized Legal Decisions?

Another area where structural racism based on accented speech can be found is in the legal system, where discrimination against legal actors who use a foreign language or accented speech is found. This includes *linguistic profiling*, where speech cues provide evidence to infer social category (e.g., race, socio-economic status) or behavior (e.g., traits).<sup>65</sup> The legal system has not dealt sufficiently with the effects of accented speech and the potential for unjust outcomes.<sup>66</sup>

The examination of the effects of accented speech for legal issues and racism is not confined to the United States. One Australian research study examined perceptions of guilt for when a suspect had one of three accented speech styles (standard or received British accented English, Australian accented

<sup>61</sup>Carlos Garcia and Loretta E. Bass, "American identity and attitudes toward English language policy initiatives," *Journal of Sociology & Social Welfare* 34, no. 1 (2007): 73.

<sup>62</sup>Laura C. Chávez-Moreno, "Dual language as white property: Examining a secondary bilingual-education program and Latinx equity," *American Educational Research Journal*. 58 no. 6 (2021): 1107-1141. doi:10.3102/00028312211052508.

<sup>63</sup>Lippi-Green, "Accent, standard language ideology, and discriminatory pretext," 169.

<sup>64</sup>Jennifer Keys Adair, "The Impact of Discrimination."

<sup>65</sup>Baugh, "Racial identification by speech."

<sup>66</sup>Gluszek and Dovidio, "The way *They* speak."

English, or Asian accented English) and was accused of one of three crimes types (embezzlement, vandalism, or assault).<sup>67</sup> The study found that the person with standard British English was thought most guilty for embezzlement, while the person with Australian English was thought most guilty of vandalism and assault crimes. Another study examined White English-speaking participants' perceptions of guilt for English and Cape Afrikaans speakers.<sup>68</sup> Findings indicated the English speaker who switched to Cape Afrikaans speech was rated guiltier for crime, compared to an English speaker who did not switch languages.<sup>69</sup> A third study in the United Kingdom, varied accent (Birmingham/Brummie or standard British), suspect race (Black or White), and crime type (blue collar or white collar) for guilt attributions.<sup>70</sup> Findings indicated the Black, Brummie-accented speaker, accused of a blue-collar crime, was believed guiltier, compared to all other conditions.

In the United States, researchers have considered accented speech as an extra-legal factor, a factor that affects the legal process beyond the information presented and creates discrimination. In fact, law professor Mari Matsuda has suggested that accent bias can affect how claims of discrimination are evaluated, and proposes a framework for evaluating these claims in light of such biases.<sup>71</sup> Indeed, judges often rely on their own personal notions of language to decide if language-based discrimination has occurred.<sup>72</sup>

Nevertheless, accented speech and language use has ramifications for people of color within the legal system. For example, one survey of court cases found a negative impact on defendants if these defendants testified in Spanish.<sup>73</sup> In two mock jury studies with an assault case, defendants who spoke in Spanish (Study 1) or Thai (Study 2) with a translator were believed guiltier, compared to the conditions with no accents. However, a judge's jury instructions admonishing against use of a translator in decisions eliminated the effect of accent.

Some Black attorneys have reported that during professional engagements, they switch from "Black English" to "Standard English" due to perceptions of the latter as more professional and associated with positive traits.<sup>74</sup> At the same time, many of these attorneys wished to maintain connection to their ethnic identity and used "Black English" to do so. This linguistic switching highlights the power of "Standard English" ideology and its impact on legal professionals of color.

<sup>67</sup>Ian Seggie, "Attribution of guilt as a function of ethnic accent and type of crime." *Journal of Multilingual & Multicultural Development* 4, no. 2-3 (1983): 197-206

<sup>68</sup>John A. Dixon, et al., "The role of speech accommodation and crime type in attribution of guilt." *Journal of Social Psychology* 134, no. 4 (1994): 465-473.

<sup>69</sup>Dixon et al, "The role of speech accommodation," 470-71.

<sup>70</sup>John A. Dixon, Berenice Mahoney, and Roger Cocks, "Accents of guilt? Effects of regional accent, race, and crime type on attributions of guilt." *Journal of Language and Social Psychology* 21, no. 2,(2002): 162-168.

<sup>71</sup>Mari J. Matsuda, "Voices of America: Accent, antidiscrimination law, and jurisprudence for the last reconstruction." *Yale Law Journal* 100, no. 5 (1991): 1329-1408.

<sup>72</sup>Lippi-Green, "Accent, standard language ideology, and discriminatory pretext," 177-178.

<sup>73</sup>Harmon M. Hosch, et al., "Non-felony criminal cases adjudicated in El Paso County, Texas, between January 1988 and December 1989." Unpublished raw data. (El Paso: University of Texas-El Paso, Center for Law and Human Behavior, 1991).

<sup>74</sup>T. Garner & D. L. Rubin, "Middle class Blacks' perceptions of dialect and style shifting: The case of Southern attorneys," *Journal of Language and Social Psychology* 5, no. 1 (1986): 33-48; see also Williams Comrie, Landor, Townsend Riley, and Williamson Contribution.

Linguistic discrimination also shows up in jury selection.<sup>75</sup> Latinx exclusion from jury service was widely practiced under Juan Crow and before civil rights laws, particularly in the Southwest. The courts' treatment of jurors' language use in jury selection (i.e., inclusion of Spanish speakers in a jury) serves to subordinate Spanish speaking defendants and withhold a fair process.<sup>76</sup> Two cases highlight this. In *United States v. Lopez*, No. 86 CR 513, 1987 WL 18573 (1987), the defendant sought bilingual, Spanish-speaking jurors because the bulk of the evidence was in Spanish. Since language produces nuanced meanings that are not translatable,<sup>77</sup> translations would not be as sound as the original evidence. The court held that bilingual jurors were not required, and that excluding people who spoke only English might constitute discrimination on the basis of national origin. In *Hernandez v. New York*, 500 U.S. 352 (1991), the prosecutor excluded Spanish speaking prospective jurors because based on their demeanor when answering questions, the prosecutor determined that they might not defer to the official translation of a Spanish transcript. The court held that these exclusions were "race-neutral" and thus permissible. In *Lopez*, the Court held that exclusion of monolingual jurors would constitute discrimination against non-Hispanic jurors based on national origin, but in *Hernandez*, the court held that exclusion of bilingual jurors was "race neutral," illustrating a double standard.

Linguicism can also affect perceptions of witness credibility. One study found Hispanic jurors' impressions of the witness' ability (e.g., knowledgeability and intelligence) and persuasiveness (e.g., credibility, trustworthiness) were influenced by speech style, and these impressions were predictive of jurors' verdicts.<sup>78</sup> In addition, Hispanic jurors provided more negative ratings of a witness with powerless speech (hesitations and hedges), including more guilty verdicts. Another study found eyewitnesses with accents (German, Mexican, and Lebanese) received lower ratings on credibility, accuracy, and prestige, and a higher rating on deception, compared to a non-accented eyewitness.<sup>79</sup> While guilt was not directly affected, guilt was correlated with the rated measures.

As part of linguistic profiling, witnesses may also identify suspects based on their accented speech, but this raises issues of identification accuracy<sup>80</sup> and aversive racism.<sup>81</sup> Aversive racism is a subtle form of racism whereby racism will be demonstrated when non-race related cues are present, and biased treatment can be attributed to the non-race related cue. In *People v. Sanchez* (1985), the question was "Must a witness be qualified as an expert in order to give his opinion regarding a person's accent?"

<sup>75</sup>Christopher F. Bagnato, "Change is Needed: How Latinos are Affected by the Process of Jury Selection," *Chicana/o Latina/o Law Review* 29, no. 1 (2010): 59-68.

<sup>76</sup>Bagnato, "Change is Needed."

<sup>77</sup>Gillian Lane-Mercier, "Translating the untranslatable: The translator's aesthetic, ideological, and political responsibility," *Target: International Journal of Translation Studies* 9, no. 1 (1997): 43-68.

<sup>78</sup>Norma A. Mendoza, et al., "Well . . . ah . . . : Hesitations and hedges as an influence on jurors' decisions," *Journal of Applied Social Psychology* 30, no. 12 (2000): 2610-2621.

<sup>79</sup>Lara Frumkin, "Influences of accent and ethnic background on perceptions of eyewitness testimony," *Psychology, Crime & Law* 13, no. 3 (2007): 317-331, <https://doi.org/10.1080/10683160600822246>.

<sup>80</sup>John Baugh, "Linguistic profiling and discrimination," in *The Oxford Handbook of Language and Society*, eds. Ofelia Garcia, Nelson Flores, and Massimiliano Spotti (Oxford: Oxford University Press, 2017): 349-368; Baugh, "Racial identification by speech."

<sup>81</sup>John F. Dovidio and Samuel L. Gaertner, "Aversive racism and selection decisions: 1989 and 1999," *Psychological Science* 11, no. 4 (2000): 315-319, <https://doi.org/10.1111/1467-9280.00262>.

An eyewitness was asked about the ethnicity of the suspect based on Spanish accented speech (i.e., Puerto Rican or Dominican). Defense counsel objected, since the eyewitness was not qualified as a linguistic expert. Nevertheless, the judge deemed the witness's past experience with Spanish and speaking with Puerto Ricans and Dominicans as sufficient background to distinguish Spanish ethnic accents. In 1999, in *Clifford v. Commonwealth*, the linguistic profiling revolved around an undercover police officer who was trying to make a drug deal.<sup>82</sup> An informant brought the undercover officer to the apartment of Clifford. The informant was wired, and another officer was listening in on the event. At trial, the informant claimed one version of the drug transaction (i.e., that it was informant's drugs, and the informant did the sale), while the officer who monitored the audiotape (later deemed inaudible) claimed the dealer had sounded Black. The defendant was the only Black person involved in the incident. It was ruled that the officer's statement about a Black speaker was admissible and did not interfere with a jury's ability to discern whether the officer's opinion was correct. The testimony fell within the confines of Federal Rule of Evidence 701. Thus, linguistic profiling by witnesses has been deemed admissible, yet further research should determine the accuracy of such testimony given other issues that might affect it (i.e., confidence, language experience or exposure, ideology, etc.).

One study examined if defendant's race (Black, Latino, White) would interact with accented speech (accented, not accented) to influence research participants' perceptions in a civil case.<sup>83</sup> Results indicated that the police officer was believed more truthful when testifying against an accented defendant than an unaccented one, and defendants with accents were rated more negatively compared to non-accented defendants. Moreover, accented defendants were believed to have a lower socio-economic status (SES) than unaccented defendants, particularly Mexican American defendants. Willis Esqueda and colleagues have demonstrated that there are legal decision-making biases that accompany culpability, guilt, and sentencing decisions for Mexican Americans of low SES,<sup>84</sup> who are more likely to speak with an accent.<sup>85</sup>

Our laws, policies, and institutions perpetuate bigotry against those who are limited English proficient (LEP). Language protections in the federal court stems from Title VI's prohibition against discrimination on the basis of national origin, and the federal government has expanded these protections to also cover programs and activities that federal agencies conduct.

While federal law obligates state court systems to provide translation and interpretation to litigants who need these services, many state laws authorize translation and interpretation for low-income litigants in criminal proceedings, but not civil proceedings.<sup>86</sup> Without meaningful access to civil proceedings,

<sup>82</sup>Clifford v. Commonwealth, 7 S.W.3d 371 (Ky. 1999); Dawn L. Smalls, "Linguistic profiling and the law," *Stanford Law & Policy Review* 15, no. 2 (2004): 588.

<sup>83</sup>Jason A. Cantone et al., "Sounding guilty: How accent bias affects juror judgments of culpability," *Journal of Ethnicity in Criminal Justice* 17, no. 3 (2019): 228-253, <https://doi.org/10.1080/15377938.2019.1623963>.

<sup>84</sup>Russ K. E. Espinoza et al., "The impact of ethnicity, immigration status, and socioeconomic status on juror decision making," *Journal of Ethnicity in Criminal Justice* 13, no. 3 (2015): 197-216; Cynthia Willis Esqueda, Russ K. E. Espinoza, and Scott E. Culhane, "The Effects of Ethnicity, SES, and Crime Status on Juror Decision Making: A Cross-Cultural Examination of European American and Mexican American Mock Jurors," *Hispanic Journal of Behavioral Sciences* 30, no. 2 (2008): 181-199, <https://doi.org/10.1177/0739986308315319>.

<sup>85</sup>Norma Mendoza-Denton, "Sociolinguistics and linguistic anthropology of Latinos," *Annual Review of Anthropology* 28 (1999): 375-395; Jens Manuel Krogstad and Luis Noe-Bustamante, "Key facts about U.S. Latinos for National Hispanic Heritage Month," *Pew Research Center*, September 9, 2021, <https://www.pewresearch.org/fact-tank/2021/09/09/key-facts-about-u-s-latinos-for-national-hispanic-heritage-month/>.

<sup>86</sup>See Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Exec. Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency, 65 F.R. 50,121 (2000); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 F.R. 41,455 (2002).

limited English proficient litigants are at an inherent disadvantage in matters of critical importance, including family law matters, housing/eviction matters, and public benefits cases. An inability to access the courts based on language also precludes many from seeking critical legal remedies that would otherwise be available to them. As such, without translation and interpretation services those who are limited English proficient are unable to meaningfully access civil legal proceedings and in turn have the full and fair proceedings that required by law.

## Conclusions

The United States holds with a standard English ideology, which promotes the use of English and views English language as superior to other languages. This ideology is so pervasive it permeates nearly every social institution and works to the detriment of people of color and immigrants in the United States. Evidence for the early use of English only and recent cases of educational and legal discrimination based on accented speech highlight this discrimination.

Given our changing demographic, where people of color will be the majority,<sup>87</sup> the use of foreign languages and accented speech will become more common. Much like the colonial era, language diversity remains a part of the social fabric of the United States. For example, Spanish is spoken by 13% of the population, and the United States is the second largest country of Spanish speakers in the world.<sup>88</sup> At the same time, our reliance on standard English ideology and linguistic profiling creates inequities and injustice for those with foreign language or accented speech. Our goal should be a reconsideration of the place of language and the norms we rely on for inclusion.

<sup>87</sup>Jonathan Vespa, Lauren Medina, and David M. Armstrong, "Demographic turning points for the United States: Population projections for 2020 to 2060: population estimates and projections, current population reports," United States Census Bureau 25-1144 (2018): 1-15, <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p25-1144.pdf>.

<sup>88</sup>Sonia Thompson, "The U.S. has the second-largest population of Spanish speakers," *Forbes*, May 27, 2021, <https://www.forbes.com/sites/soniathompson/2021/05/27/the-us-has-the-second-largest-population-of-spanish-speakers-how-to-equip-your-brand-to-serve-them/?sh=4156825e793a>.

# RELIGIOUS INTOLERANCE AND STRUCTURAL BIGOTRY IN THE U.S.

*John Corrigan, Ph.D. and Amanda Tyler, Esq.<sup>1</sup>*

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Monotheistic religion is the oldest and most encompassing framework for bigotry in the West. Its Manichean binaries of good and evil, pure and impure, superior and inferior, us and them have been leveraged over centuries to justify bigotry. That ideology of stark division and uncompromising difference has survived in spite of the powerful prophetic traditions of those same Abrahamic religions urging social justice, compassion, and peace. Bigotry has been installed in religious institutions in the West for millennia, but at the same time, those institutions have authorized power to undermine bigotry. They have contributed crucially to the fashioning of counter-ideologies aimed at liberation from narrow views of human subjectivity and social life that engendered suffering. The problem of religious bigotry then, is a complex one, tied to spatial and temporal contexts, and frequently admitting a measure of ambiguity. In other words, it is like bigotry in some other areas of American life, including race, gender, sexuality, and disability, but it differs from those because of its exceptional deep-rootedness in institutions. The appearance of permanence and impeccable authority cultivated by religious institutions, and the leveraging of those seeming assets in violent litigations of factional differences, has served in turn as a template for other kinds of structural bigotry.

Structural bigotry denotes a broad range of acts and policies of social injustice/domination typically grounded in transgenerational claims of entitlement; legitimated by institutions, ideologies, policies, media, and custom; and driven by expressions of animus, including shared symbolism and hateful vocabulary, verbal and physical assaults including hate crimes, and exclusion which serves to entrench power in privileged insiders, in which all members of a society can be implicated subjects/beneficiaries. Religious bigotry, like all structural bigotry, is exercised in order to hold power. Groups perceived as competitors for the resources claimed by religion are assessed as impure, dangerous, and an imminent threat to the very existence of the religious community.

Religious intolerance is perhaps the earliest example of structural bigotry. Many early societies were configured around religious identity and religious group membership. Religious identity or lack thereof provided a ready proxy for exclusion, discrimination, persecution, oppression, and violence. Religious intolerance remains a strong driver of structural bigotry in the modern United States. Targets of religious intolerance are often those who practice or are perceived to practice faiths other than mainstream Christianity and those who are secular or otherwise reject religious practice or affiliation.

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In addition to interreligious bigotry, there also are examples of intrareligious bigotry among various denominations, sects, and branches of religions.

Inflammatory religious rhetoric and the violence marshalled to its cause have been present through the national history, including the earliest colonial settlements of North America. The American history of religious intolerance as a record of violence between religious groups is replete with generations of conflict among every religious group, large and small. Protestants of all stripes, Catholics, Jews, Muslims, Hindus, Buddhists, Mormons, Jehovah's Witness, Quakers, Shakers, Amish, indigenous religions, Afro-Caribbean religions - all of these and more have experienced religious intolerance and many have perpetrated it.

One national narrative says that, with the framing of the U.S. Constitution and the establishment of the United States, our country rejected religious intolerance and that the history of the nation has been a showcase for the peaceful flourishing of many different kinds of religion alongside each other. Many Americans are keenly aware of language in the First Amendment to the Constitution that promises that the nation will dedicate itself to religious freedom. President George Washington famously wrote to the Hebrew Congregation in Newport, Rhode Island in 1790: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."<sup>2</sup> The truth is more complicated.

For Thomas Jefferson, the very man who authored the Virginia Statute of Religious Freedom (1786), which was the model for the guarantee subsequently iterated in the First Amendment, was himself clear-eyed about the problem of religious bigotry. Referring to the "religious intolerance inherent in every sect," Jefferson observed that "our laws have applied the only antidote to this vice, protecting our religious as they do our civil rights." But, said Jefferson, "more remains to be done, for although we are free by the law, we are not so in practice; public opinion erects itself into an inquisition, and exercises its office with as much fanaticism as fans the flames of an *auto-da-fe*."<sup>3</sup> Religious freedom has proven an ideal that is very hard to implement in the United States, despite robust legal protections.

The legal framework in Article VI of the U.S. Constitution, which prohibits religious tests for public office, and the First Amendment's dual protections for religious freedom for all ("Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof"), is an important tool to combat structural bigotry. But as is the case with many other constitutional protections, liberation from bigotry requires a commitment from each generation.

One of the reasons that religious intolerance has remained part of the practice of Christianity in America is because Christian theologies since the early settlement of the North American British colonies have claimed biblical justifications for it. One such example from colonial times through much of the nineteenth century was the Old Testament story of the Amalekites, which Christian theologians in America drew upon as inspiration for their violent campaigns against those whom

<sup>2</sup>"Washington's Reply to the Hebrew Congregation in Newport, Rhode Island," in Lewis Abraham, "Correspondence between Washington and Jewish Citizens," *Publications of the American Jewish Historical Society* 3 (1895), 91.

<sup>3</sup>Thomas Jefferson, "Letter to Mordecai Noah, May 28, 1818" in *The Papers of Thomas Jefferson, Retirement Series, Volume 13, 22 April 1818 to 31 January 1819* (Princeton: Princeton University Press, 2016), 65.

they considered their enemies. The Amalekites were identified in the Old Testament as enemies of the Jews who attacked the Jews as they made their way in the desert after having escaped Egypt. A divine command eventually came to Moses to exterminate the Amalekites, man, woman, child, and livestock. The Jews were, as storied in Deuteronomy, even instructed to “blot out the remembrance of Amalek from under heaven.” The Jews followed that command, perpetrating genocide on the Amalekites. Christian theologians for centuries subsequently deployed that story in justifying mass violence against their opponents. Protestants made use of it in justifying violence against Catholics, and Christians of all stripes appealed to it in their campaigns against Native Americans, Mormons, African American religious groups, Muslims, and others.

America over time coalesced as a nation with strong Protestant leanings. When the informal Protestant establishment sensed a threat to their power, they responded not merely with bigotry but with violence. In the 1840s, as part of the Bible Wars, Protestants battled Catholics in Pennsylvania, in bloody encounters involving rifles, bombs, and cannon. In Massachusetts, and elsewhere, they burned down Catholic Church buildings, physically oppressed Catholics, and reinforced the structures of bigotry that excluded Catholics from resources and status. Non-Mormons treated Mormons similarly during the Mormon Wars in the mid-nineteenth century (and Mormons responded in kind). But religious bigotry was most violently and consistently displayed in campaigns against Native Americans, whom Christians often described as pagan devils whose very existence on the frontiers was a threat to Christianity. From the 1630’s onward, genocidal campaigns against Indigenous peoples were undertaken through appeals to the story of the Amalekites, that is, to the divine command to utterly annihilate one’s religious enemies.

Such religiously-inspired and justified violence set the frame for the long-term problem of religious bigotry in America. Violence against Jews, Quakers, Shakers, Methodists, African American congregations, Jehovah’s Witnesses, Muslims, and other groups, has marked the religious history of the U.S. Such violence contributed substantially to the normalization of religious bigotry. Even when mass violence had diminished, other forms of hate and oppression endured in its shadow. In other words, many Americans remain comfortable with religious bigotry partly because they do not recognize it as such. For those Americans, it often does not stand out as it might because it is so deeply etched in the bones of American culture. It is structured into society and operates at times under the radar of Americans. As such it remains deeply problematic. For many, it is hard to see, and even when glimpsed it is dismissed because the reality of bigotry does not fit with the belief that the First Amendment disallows any such bigotry. Americans look away from religious bigotry and toward a Constitution that they believe offers assurance that it is not occurring.

Bigotry is installed in religious institutions. It is found not only in Christian institutions but in many others as well. And it exists as structural bigotry within government institutions. Many state constitutions even today bear the proof of such bigotry in the form of language restricting public office holding to those who profess belief in God - and sometimes other Christian religious doctrines. That animus against nonbelievers can be measured in another way: historically, it is all but impossible to be elected to Congress without professing belief in God. Moreover, if that God is not Christian or Jewish, one might still be suspect, as anti-Muslim rhetoric, and anti-Asian complaint that sometimes focuses on religions that originated in Asia, are a standard feature of the current political landscape.

A further complication of the problem of religious bigotry in the U.S. is that, ironically, those who practice bigotry claim as their “right” under the Constitution a freedom to do so. Such a view rests on a misguided interpretation of the principle of religious freedom as a warrant to have legal protections for all manifestations of religious belief, no matter the impact on the rights and liberties of others who do not share the same beliefs. Put another way, the historical and ongoing enmeshment of Christianity with politics in America has eventuated in political performances of bigotry undergirded by claims of sacrosanct religious faith, thereby setting bigotry “outside” criticism for some who practice it. Often, political claims, such as, for example, opposition to gay marriage, abortion, and evolution theory in public schools, as well as claims for the right to boldly seek social justice and equality, often rest their cases on religious faith. Bigotry and anti-bigotry thus both are grounded, for some groups, in religious belief. This fact presents challenges to any project that would seek to oppose bigotry, because that project must protect religious freedom while at the same time rejecting policy claims based on religious arguments for bigoted behavior.

White Christian nationalism is a driver of structural bigotry as it relates to religious intolerance, as well as many other categories (anti-Asian/Asian American racism, anti-Black racism, anti-Latinx racism, anti-Indigenous bigotry, antisemitism, heterosexism and transphobia, sexism, Islamophobia and linguisticism). White Christian nationalism is a political ideology and cultural formation that idealizes and advocates a fusion of Christianity with American civic life. White Christian nationalism relies heavily on a mythical history of the country as founded by Christians to privilege Christianity, as ordained by God in order to fulfill a divine purpose in the past, present, and future. White Christian nationalism intersects with other ideologies like the Doctrine of Discovery and Manifest Destiny. Because the past and present are replete with examples of racial subjugation and white supremacist violence against indigenous, Black, communities of color, and other marginalized groups, white Christian nationalism undergirds and provides divine justification for ongoing oppression. Symbols of white Christian nationalism tend to merge patriotic and religious imagery, such as a star-spangled cross or the Christian flag.

White Christian nationalism in the hands of violent extremists can turn violent, as it did at the January 6 insurrection, at the Tree of Life synagogue, and at Mother Emanuel AME Church.

Not all instances of white Christian nationalism are violent. Examples of non-violent structural bigotry related to religious intolerance include attempts to pass state laws requiring the posting of “In God We Trust” in public schools, led by the Congressional Prayer Caucus Foundation, and attempts to promote the teaching of the Bible in public schools.

White Christian nationalism permeates American society and impacts all Americans, whether we fully embrace it or even recognize or name it. Like racism, its history, which can be traced to the colonial period and the early days of the republic, is so long standing and intertwined with American history that to live in the United States can be all but to breathe white Christian nationalism.

Religious bigotry is redolent in American institutions of government at every level. From the near-impossibility of professed nonbelievers holding major elected office to the select lack of enforcement of protections from religious intolerance for some groups, government institutions have struggled to implement the ideal of religious freedom that is affirmed in the First Amendment.

Dismantling white Christian nationalism is necessary to addressing structural bigotry as it relates to religious intolerance, as well as other kinds of intolerance. Because of how pervasive and deeply-rooted the ideology and cultural framework is in American society, this task is daunting and will require many generations of commitment and reform.

A first step is increasing awareness around white Christian nationalism – what it is and how it appears in our society. Disciplined questioning of deeply seeded narratives regarding the founding of the United States as a “Christian nation” and repudiating the Doctrine of Discovery and Manifest Destiny can contribute to deauthorizing white Christian nationalism. State legislative efforts to perpetuate Christian nationalism should be stopped, while both symbolic and substantive legislative efforts to further ideals of religious freedom for all should be encouraged. Given the misuse and misunderstanding of vestiges of civil religion, exemplified in language such as “In God We Trust” as a national motto and “under God” in the Pledge of Allegiance, we should critically weigh the enduring value versus harm of such symbols.

Community-led interventions will be necessary to the campaign, including work within Christian communities. Repudiating white Christian nationalism does not mean rejecting or oppressing mainstream Christianity, though we can expect such claims to be raised. Our democratic task should not be viewed as eradicating bigotry from religion. Rather, our task should be ensuring that the institutions of religion and government remain sufficiently separated and distinct so that the bigotry inherent in religion not be enforced and perpetuated by the state.

The practice of religious bigotry, which has been increasing in the early twenty-first century, is a signal that a democracy of rights and liberties is not working as it should, and that authoritarianism is entrenched, and possibly advancing. It forecasts loss of rights in other areas - a lesson obvious from the twentieth-century history of Europe that culminated in the Holocaust. It is crucial that Americans forcefully address it by recognizing first of all its systemic nature, and its embeddedness in institutions.

# SEXISM

Jioni A. Lewis, Ph.D. and Ria Tabacco Mar, Esq.<sup>1</sup>

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*“Sexism feels like this big heavy weight that is everywhere . . . Sometimes, I don’t even notice and then, when I see it, it’s like another little bit of weight sitting on me that I didn’t even know that I had. . .” – 28-year-old South Asian woman conversation group participant*

The COVID-19 pandemic has put women at the center of the most unequal recession in modern American history.<sup>2</sup> In addition, women of color are more likely to work in frontline service jobs that lack the ability to work from home, which has put them at increased risk of COVID-19, and in turn are more likely to lack paid sick leave when they do contract the virus.<sup>3</sup> Yet the unique experiences of women with intersecting forms of marginalization have often been invisible throughout this pandemic.

For this report, we have chosen to apply an intersectionality lens to sexism as a form of structural bigotry to better illuminate the role of interlocking systems of oppression on the lives of women and girls. We highlight the various manifestations of sexism, including institutional, cultural, and individual forms of sexism. We describe the interaction between these levels of sexism to highlight the systemic nature of sexism and patriarchy in society. We focus on the impact of sexism on the lives of women and girls in the areas of employment, housing, education, healthcare and reproductive justice, family integrity, and police violence. Finally, we share solutions to dismantle sexism, patriarchy, and interlocking systems of oppression for the liberation of all women, girls, transgender, and gender expansive individuals in society.

## Intersectionality

Intersectionality is a term coined by critical legal scholar Kimberlé Crenshaw in her critique of antidiscrimination law, which often excluded Black women’s experiences at the intersection of racial and gender discrimination. Crenshaw asserted that Black women typically “experience discrimination as Black women—not the sum of race or sex discrimination, but as Black women.”<sup>4</sup>

Intersectionality situates the marginalization of women within a historical context of patriarchy, white supremacy, and class exploitation.<sup>5</sup> For example, one 29-year-old Black participant mentioned their

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<sup>1</sup>Jioni A. Lewis is an Associate Professor of Counseling Psychology at University of Maryland, College Park. Ria Tabacco Mar is the Director of the Women’s Rights Project at the American Civil Liberties Union.

<sup>2</sup>Claire Ewing-Nelson, “All of the Jobs Lost in December Were Women’s Jobs,” *National Women’s Law Center*, January 2021, <https://nwlc.org/wp-content/uploads/2021/01/December-Jobs-Day.pdf>.

<sup>3</sup>Whitney N. Laster Pirtle and Tashelle Wright, “Structural Gendered Racism Revealed in Pandemic Times: Intersectional Approaches to Understanding Race and Gender Health Inequities in COVID-19,” *Gender & Society* 35, no. 2 (March 2021): 168-179, <https://doi.org/10.1177/08912432211001302>.

<sup>4</sup>Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum* 1989, no. 1 (1989): 149.

<sup>5</sup>Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*, (New York: Routledge, 2000), 75-77, 95-96.

grandmother's experience at the intersection of multiple forms of marginalization and shared that it was impossible to separate the discrimination she faced based on gender from discrimination based on race, immigrant status, and as a domestic worker. In addition, a 57-year-old Black participant stated, "My experiences with sexism cannot be parceled out from being a Black woman." Intersectionality highlights the limitations of framing gender inequality as *only* sexism since this erases the intersectional effects of discrimination experienced by women of color and other marginalized women.<sup>6</sup> An intersectionality lens illuminates interlocking systems of power and social inequality that negatively impact the lives of women and girls. Thus, applying intersectionality to a historical, legal, sociological, and psychological understanding of structural bigotry provides a nuanced framework to elucidate the impact of sexism on employment, housing, education, healthcare and reproductive rights, family integrity, and police violence against women and girls.

## Manifestations of Sexism

Drawing on interdisciplinary scholarship, sexism manifests in all aspects of everyday life, from structural/institutional-level sexism to individual-level sexism. Throughout history, laws excluded women from an equal share of resources and power. For example, in the United States, women were not allowed to vote until the 19th Amendment was ratified in 1920. As a result, patriarchal policies, practices, and structures have granted men power over women. In addition, historical and contemporary systematic practices have created a hierarchical society in which men have unearned privileges and women experience disadvantage.

Structural sexism has been defined as "systematic gender inequality at the macro level (U.S. state), meso level (marital dyad), and micro level (individual)."<sup>7</sup> In addition, according to psychology scholar Jioni Lewis, sexism includes two interlocking components: (a) a structural mechanism of domination; and (b) a corresponding ideological belief that justifies the oppression of women based on their gender.<sup>8</sup> This definition provides a framework to highlight the interlocking nature between the structure of sexism and the ideology of patriarchy. Moreover, Lewis described three manifestations of sexism: institutional, cultural, and individual (interpersonal and internalized).

**Institutional sexism** includes policies, practices, and norms that perpetuate inequality by restricting opportunities for women. For example, in the last several years, there have been several anti-abortion bills passed in various states that would severely limit access to reproductive healthcare, autonomy, self-determination, and economic security.<sup>9</sup> Several participants identified attacks on reproductive healthcare as a form of systemic sexism, though the two concepts are often viewed legally and socially as distinct. In addition, the lack of legal protections for domestic workers or the sentencing disparity for sexual assault and rape represent institutional sexism.

<sup>6</sup>Crenshaw, "Demarginalizing."

<sup>7</sup>Patricia Homan, "Structural Sexism and Health in the United States: A New Perspective on Health Inequality and the Gender System," *American Sociological Review* 84, no. 3 (2019): 486, <https://doi.org/10.1177/0003122419848723>.

<sup>8</sup>Jioni A. Lewis, "From Modern Sexism to Gender Microaggressions: Understanding Contemporary Forms of Sexism and Their Influence on Diverse Women," in *APA handbook of the psychology of women: History, theory, and battlegrounds*, eds. Jacquelyn W. White et al. (Washington, DC: American Psychological Association, 2018): 382, <https://doi.org/10.1037/0000059-019>.

<sup>9</sup>Jessica Arons, "Beyond the Bans: State Attacks on Abortion in 2021," *American Civil Liberties Union*, March 12, 2021, <https://www.aclu.org/news/reproductive-freedom/beyond-the-bans-state-attacks-on-abortion-in-2021/>.

**Cultural sexism** includes symbols and practices that are used to reinforce the notion that women are inferior to men. In addition, the societal messages, images, and media messages that assume women are naturally better caretakers, cooks, or house cleaners, represent cultural forms of sexism. For example, as one participant noted, the notion that feminism is “cute” and not to be taken seriously is a particularly ironic form of cultural sexism.

**Individual sexism** is the manifestation of institutional and cultural sexism in individual biases and prejudicial attitudes that denigrate women and view them as inferior to men in society.<sup>10</sup> For example, the belief that only men could be competent CEOs of a large corporation or President of the United States. In addition to such overt sexist attitudes and biases, individual sexism can also include benevolent sexism, which includes stereotyping women as naturally suited for domestic work and caretaking or as needing protection.<sup>11</sup> It is also possible for women to internalize these sexist beliefs and prefer men as bosses or assume women are less competent as bosses. For example, a 47-year-old white woman participant described *internalized sexism* by discussing “how amazingly good the patriarchy is at maintaining itself and the internalized misogyny that women take on.” Interpersonal sexism includes communicating one’s biases or prejudicial attitudes (verbally or nonverbally) to a woman in an interpersonal interaction. This has also been described as everyday sexism (i.e., incidents that occur in daily life that represent interpersonal forms of discrimination)<sup>12</sup> or gender microaggressions (i.e., sexist slights and insults directed towards women).<sup>13</sup>

Taken together, much of the interdisciplinary research on sexism highlights the ways that sexism operates at multiple levels within society. Thus, it is important to better understand the systemic nature of sexism and patriarchy. Despite U.S. laws that make discrimination based on sex illegal, sexism is still structurally embedded within our institutions, organizations, policies, and practices.

### **Institutional Policies that Perpetuate Sexism**

The late Ruth Bader Ginsburg is credited with dismantling laws that expressly required discrimination against women (and men), such as the rule that widows (but not widowers) could receive Social Security survivor benefits after the death of a spouse, during the 1970s. In the process, she also generated a new norm of constitutional review for sex-based laws, a heightened level of judicial scrutiny more demanding than applied to nearly all laws save those that discriminate based on race and few other characteristics. And, today, federal civil rights laws expressly bar sex discrimination at work, at school, and in housing, credit, and other public contexts.

<sup>10</sup>Lewis, “Modern Sexism to Gender Microaggressions,” 382.

<sup>11</sup>Peter Glick and Susan T. Fiske, “An ambivalent alliance: Hostile and benevolent sexism as complementary justifications for gender inequality,” *American Psychologist* 56, no. 2 (2001): 109-118, <https://doi.org/10.1037/0003-066X.56.2.109>.

<sup>12</sup>Janet K. Swim et al., “Everyday Sexism: Evidence for Its Incidence, Nature, and Psychological Impact From Three Daily Diary Studies,” *Journal of Social Issues* 57, no. 1 (Spring 2001): 31-32, <https://doi.org/10.1111/0022-4537.00200>.

<sup>13</sup>Derald Wing Sue, *Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation*, (Hoboken, NJ: John Wiley & Sons, Inc., 2010).

Despite these advances in formal equality, laws continue to perpetuate sexism, explicitly and otherwise. A few examples follow; they are not exhaustive but intended to counter the narrative that gender-based discrimination and violence *only* operates at the individual level and thus can only be addressed via individual responses, not institutional ones. Laws that expressly discriminate remain, particularly ones that target Black women or other women subjected to discrimination based on intersecting axes. They include exclusions from civil rights laws themselves. In 1935, for example, Congress passed the National Labor Relations Act, which protects the freedom to organize. But not everyone is included in the Act's definition of "employees." Rather, Congress expressly excluded workers in "domestic service" (historically enslaved Black women and, later, their descendants) as well as agricultural laborers (historically enslaved Black men and, later, sharecroppers). When many women, particularly Black women, remain subject to de jure exclusions from job protections that others take for granted as the baseline of American work, such exclusions can operate as vestiges of slavery and carry deep meaning. In today's economy, gig workers, franchise workers,<sup>14</sup> home health care workers, servers, and other groups too often remain excluded from basic workplace protections. While equal footing under law won't liberate us from patriarchy, *the lack of formal equality* perpetuates sexism, misogynoir, and patriarchy.

Other institutional policies are often dismissed as trivial: daily distinctions by sex for honorifics (e.g., Mrs.) and school dress codes, two examples common in the workplace and schools. Indeed, they are so common that they don't register as sex classifications at all. For example, as a white woman participant put it, sexism is "invisible" and the idea that we are beyond sexism is pervasive. Yet these silent norms operate as part of "everything we do, every way we breathe, all systems that we're a part of..." to the detriment of women and girls (and people of any gender). For example, the requirement in some places that girls wear skirts to attend school<sup>15</sup> serves as a constant form of "stereotype threat"—reminding girls that they are girls, that their sex matters to how they learn, and reminding boys and adults to treat them as girls. And these reminders have particularly severe consequences for Black girls and other girls of color, who are disproportionately punished for transgressing norms about how girls are expected to look and behave.

Civil institutional norms perpetuate conditions where gender-based violence can flourish and entrench stereotypes about women's experience and credibility. In the workplace, for example, the so-called "tipped" minimum wage requires women servers to "smile and act pretty" to bring a substandard wage up to the bare minimum other workers can be paid; workers who are paid a substandard wage experience greater sexual harassment,<sup>16</sup> often racialized sexual harassment, on the job.

<sup>14</sup>Gillian Thomas and Ria Tabacco Mar, "McDonald's Can't Dodge Responsibility for Sexual Harassment at its Restaurants," *Fortune*, August 16, 2021, <https://fortune.com/2021/08/16/mcdonalds-sexual-harassment-lawsuit-aclu-womens-rights-project-gillian-thomas-ria-tabacco-mar/>.

<sup>15</sup>Galen Sherwin, "Dress Codes Forcing Girls to Wear Skirts Are Up for Debate at Appeals Court," *Teen Vogue*, March 11, 2021, <https://www.teenvogue.com/story/dress-codes-girls-forced-wear-skirts>.

<sup>16</sup>A. Elaine Lewis, "Who Is at Highest Risk of Sexual Harassment?," *American Civil Liberties Union*, last modified January 18, 2018, <https://www.aclu.org/blog/womens-rights/womens-rights-workplace/who-highest-risk-sexual-harassment>.

Entrenched resistance to formal equality is another indication of patriarchy's deep roots. Today, there is no federal constitutional provision expressly barring sex discrimination. And, while the ERA has been ratified by the requisite 3/4 of the states, some states have purported to rescind their ratifications—a step no state has taken with respect to any proposed constitutional amendment other than those that would advance equality for women (ERA) and formerly enslaved Black people (Reconstruction amendments).

## Impact of Sexism on the Lives of Women

### Employment

The gender wage gap is one of the most tangible reflections of systemic sexism against women. In 2020, women earned 82 cents for every man's dollar; the gap widens for marginalized subgroups of women, including Black women (63 cents), Indigenous women (60 cents), Latina women (55 cents) and transgender women (60 cents). The gap persists even when women are engaged in the same occupation as men.<sup>17</sup> For example, one participant, a Black woman college professor, recalled learning that she was paid 30% less than a comparable man at the same academic institution. Others echoed finding out that they were “grossly underpaid” after learning what men in equivalent roles were paid.

Professions engaged in caregiving and other forms of paid labor traditionally performed by women, such as teaching, are systemically underpaid compared to other forms of work requiring a similar degree of education and skill. Gender-based harassment and assault are used as a tool to exclude women from well-compensated jobs—such as firefighting, historically performed by men—and to keep women doing “women's work.” What is more, many forms of “women's work”—particularly work historically performed by enslaved Black women—remain excluded from overtime, minimum wage, and other pay protections. Women may also be pushed out of the paid workforce altogether by the lack of childcare, particularly affordable childcare; pregnancy and lactation discrimination; sexual harassment and assault; and other forms of sex-based discrimination. Finally, many forms of caregiving remain entirely uncompensated based on the expectation that, as one participant put it, “women should be caregivers and it should be unpaid labor.” In other words, women should do it for free.

### Housing

Poor women, particularly poor women who exist at the margins (e.g., women of color, women with disabilities, immigrant women), need safe and stable housing to survive and, indeed, to thrive. Yet half a century after Congress passed the Fair Housing Act, numerous barriers remain, including entrenched residential segregation; redlining and reverse redlining (predatory lending and targeting for abusive financial products); tens of thousands of reports of housing discrimination each year; rampant sexual

<sup>17</sup>“The Wage Gap,” *National Women's Law Center*; Aryn Fields, “Human Rights Campaign Foundation Releases New Data on the LGBTQ+ Wage Gap,” Human Rights Campaign, last modified January 19, 2022, <https://www.hrc.org/press-releases/human-rights-campaign-foundation-releases-new-data-on-the-lgbtq-wage-gap>.

harassment by housing providers;<sup>18</sup> so-called “crime-free housing” that excludes women who call 911;<sup>19</sup> to name just a few. Regulatory tools to enable the federal government to affirmatively further housing opportunity has been eroded. The COVID-19 pandemic helped many to see evictions and our nation’s housing crisis as a systemic problem rather than an individual one, yet renters who have been evicted—disproportionately Black women—can be locked out<sup>20</sup> of subsequent housing opportunities. This can subject families to cascading negative effects including disrupted schooling, lost job opportunities, and transportation challenges that can continue for years if not decades.

## Education

All women and girls deserve to attend schools that provide a safe environment that is conducive to learning and prepares them for college and their future careers. However, there are several gender inequities within the educational system, including gender-based stereotypes that steer girls away from certain majors and future career paths (e.g., STEM careers), sexism and differential treatment from teachers in schools, sexual harassment and assault, differential access to quality education, differential access to athletics, and issues with single-sex education.<sup>21</sup> Experiences of sexism, gender discrimination, gender microaggressions, and sexual harassment are commonplace for girls in the K-12 education system as well as women within higher education. For example, about 50% of students in grades seven through twelve are sexually harassed in any given school year, and more than one in five girls ages fourteen through eighteen have been kissed or touched without their consent; within higher education, more than 60% of college students experience sexual harassment, including one in four women and one in four transgender or gender nonbinary students.<sup>22</sup> Sexual harassment and assault are severely underreported, and even incidents that are reported historically have been subject to legal standards that allow schools to ignore some reports or to treat sex-based harassment and assault less seriously than other forms of discrimination.

There is also a “leaky pipeline” for girls who are marginalized in multiple ways. Research indicates that some girls are especially at risk of being pushed out of the educational system, including girls of color, pregnant and parenting teens, poor and working-class girls, and girls with disabilities. For example, studies have shown that Black and Latina girls are often over-disciplined in schools, such as receiving harsher punishments for the same infractions compared to their white female peers.<sup>23</sup>

<sup>18</sup>Linda Morris and Sandra Park, “Safe at Home: Fighting Against Sexual Harassment in Housing,” *American Civil Liberties Union*, last modified October 1, 2020, <https://www.aclu.org/news/womens-rights/safe-at-home-fighting-against-sexual-harassment-in-housing>.

<sup>19</sup>Sandra Park and Linda Morris, “Dialing 911 Can Get You Evicted,” *American Civil Liberties Union*, last modified September 22, 2020, <https://www.aclu.org/blog/womens-rights/violence-against-women/dialing-911-can-get-you-evicted>.

<sup>20</sup>Sophie Beiers, Sandra Park, and Linda Morris, “Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color,” *American Civil Liberties Union*, last modified January 10, 2020, <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color>.

<sup>21</sup>“100 School Districts: A Call to Action for School Districts Across the Country to Address Sexual Harassment Through Inclusive Policies and Practices,” *National Women’s Law Center*, last modified April 2021, <https://nwlc.org/wp-content/uploads/2021/04/100SD-report-5.3.21-vF.pdf>.

<sup>22</sup>“100 School Districts,” *National Women’s Law Center*.

<sup>23</sup>Jamilia J. Blake et al., “The Role of Colorism in Explaining African American Females’ Suspension Risk,” *School Psychology Quarterly* 32, no. 1 (September 2017): 119, 123-25, <https://doi.org/10.1037/spq0000173>; Cecile A. Gadson and Jioni A. Lewis, “Devalued, Overdisciplined, and Stereotyped: An Exploration of Gendered Racial Microaggressions Among Black Adolescent Girls,” *Journal of Counseling Psychology* 69, no. 1 (2022): 14-16, <https://doi.org/10.1037/cou0000571>; Monique W. Morris, *PUSHOUT: The Criminalization of Black Girls in Schools* (New York: The New Press, 2016).

## Health Care and Reproductive Justice

There are several key issues related to gender equity in health care, health systems, and health outcomes for women. Women have experienced longstanding discrimination in health care with insurance companies charging more for women's health services or denying coverage altogether. Women also experience sexism and discrimination by physicians. For example, studies have found that physicians often minimize women's concerns, don't always provide the most effective medical treatment, and even provide lower Medicaid reimbursement for female-specific procedures.<sup>24</sup> We also know there is a long-standing history of forced sterilization of women, particularly women of color and women with disabilities.<sup>25</sup> Although women, on average, have a longer life expectancy than men, women experience more chronic illness and disability compared to men.<sup>26</sup>

There is a large body of research on the impact of sexism on the health and well-being of women. Research has found that experiencing gender discrimination is associated with a range of negative health outcomes among women including: depression, anxiety, chronic stress, gastrointestinal symptoms, headaches, and poorer self-reported physical health.<sup>27</sup> Women of color also experience intersectional discrimination (i.e., gendered racism) that has a negative impact on health including depression, anxiety, traumatic stress, self-reported physical health, and poorer reproductive health.<sup>28</sup>

The fight for reproductive justice is a critically important health equity issue in the current sociopolitical moment. In the last decade, states have enacted more restrictions on abortion rights than in the previous decade.<sup>29</sup> The right for women to have bodily autonomy and make their own health decisions is essential to gender equity. These laws are a direct attack on women and all birthing people, but they have a disproportionate negative effect on women of color, poor women, trans and nonbinary people, women with disabilities, and adolescent girls and young adult women who all face greater barriers to accessing reproductive health care. Another key issue is maternal mortality and morbidity. For example, Black women are three times more likely to experience life-threatening pregnancy complications and nearly four times more likely to experience preventable pregnancy related deaths.<sup>30</sup> We also see comparable gendered racial health inequities for Latinx and Indigenous women. Women of color also experience

<sup>24</sup>Homan, "Structural Sexism and Health," 487-88.

<sup>25</sup>"Forced Sterilization of Disabled People in the United States," *National Women's Law Center* (2021): 8, [https://nwlc.org/wp-content/uploads/2022/01/%C6%92.NWLC\\_SterilizationReport\\_2021.pdf](https://nwlc.org/wp-content/uploads/2022/01/%C6%92.NWLC_SterilizationReport_2021.pdf).

<sup>26</sup>"Chronic Debilitating Conditions in Women," *Office of Research on Women's Health, Women's Health in Focus* 4, no. 4 (2021): 3, [https://orwh.od.nih.gov/sites/orwh/files/docs/ORWH\\_Fall2021Newsletter508.pdf](https://orwh.od.nih.gov/sites/orwh/files/docs/ORWH_Fall2021Newsletter508.pdf).

<sup>27</sup>Homan, "Structural Sexism and Health," 487-88; Swim, "Everyday Sexism," 31-32; Elizabeth A. Klonoff and Hope Landrine, "The Schedule of Sexist Events: A measure of Lifetime and Recent Sexist Discrimination in Women's Lives," *Psychology of Women Quarterly* 19, no. 4 (1995): 439-472, <https://doi.org/10.1111/j.1471-6402.1995.tb00086.x>.

<sup>28</sup>Jioni A. Lewis et al., "Applying Intersectionality to Explore the Relations Between Gendered Racism and Health Among Black Women," *Journal of Counseling Psychology* 64, no. 5 (2017): 481-83, <https://doi.org/10.1037/cou0000231>; Pirtle and Wright, "Structural Gendered Racism," 168-79.

<sup>29</sup>Arons, "Beyond the Bans: State Attacks on Abortion in 2021."

<sup>30</sup>Andreea A. Creanga et al. "Pregnancy-Related Mortality in the United States, 2011-2013," *Obstetrics & Gynecology* 130, no. 2 (August 2017): 366-373, doi: 10.1097/AOG.0000000000002114.

intersectional oppression (i.e., gendered racism or racialized sexism), which leads to chronic stress, and this in turn leads to increased risk of cardiovascular disease, stroke, certain types of cancer, and poorer maternal health outcomes.<sup>31</sup>

### Family Integrity and the New Jane Crow

America has a long and painful legacy of government practices that separated Indigenous and Black families, a legacy that lives on in today's child welfare systems. Our country's growing awareness of the myriad ways in which police and other criminal legal systems disproportionately surveil Black and brown men must be matched by an understanding of how child welfare systems disproportionately monitor and punish women,<sup>32</sup> especially Black, Indigenous, and low-income women. It is no surprise that poor women, who are often subject to state monitoring via public benefits laws and the criminal legal system, are disproportionately placed into child welfare systems. As one participant raised by a single mother recalled from their childhood, so-called government "security nets" can lead to invasive state involvement, including the "child welfare system," in families like theirs. Once identified for family regulation, mothers of color fare worse than their white counterparts, leading to years of additional monitoring, surveillance, and, in some cases, family separation.

### Police Violence

Nationwide protests against police brutality defined the summer of 2020 alongside the COVID-19 pandemic. Yet the impact of police violence on women largely centered on women and girls in relation to men, such as George Floyd's daughter or Eric Garner's mother. Left out of the conversation was police violence directly against women, particularly Black and Indigenous women. The shooting death of Breonna Taylor in the spring of 2020 galvanized some, but never gained a degree of traction comparable to killings of Black men. What is more, the national conversation around reimagining policing largely left out the specific ways that police violence impacts women, often by sexual assault. In the courts, remedies for sexual assault by law enforcement officers are often sharply limited,<sup>33</sup> even as compared to already meager avenues for relief afforded other survivors or victims of police violence.

## Solutions to Dismantle Sexism

### Dismantling Sexist Laws and Establishing Equitable Laws

Planning a path toward recovery requires a frank assessment of why women's status and wellbeing remains so precarious today and offers new opportunities to reimagine solutions. In other words, the picture of structural sexism may look grim, but it reveals some of the many steps we can—and must—take to dismantle barriers to gender equity and liberation.

<sup>31</sup>Donna L. Hoyert, "Maternal Mortality Rates in the United States, 2019," *National Center for Health Statistics*, April 2021, <https://www.cdc.gov/nchs/data/hestat/maternal-mortality-2021/E-Stat-Maternal-Mortality-Rates-H.pdf>.

<sup>32</sup>Anjana Samant et al., "Family Surveillance by Algorithm: The Rapidly Spreading Tools Few Have Heard Of," *American Civil Liberties Union*, September 29, 2021, <https://www.aclu.org/news/womens-rights/family-surveillance-by-algorithm-the-rapidly-spreading-tools-few-have-heard-of>.

<sup>33</sup>Angeline Cheek and Lucy Simpson, "We Need Accountability for Those Who Commit Violence Against Native Women," *American Civil Liberties Union*, October 18, 2021, <https://www.aclu.org/news/racial-justice/we-need-accountability-for-those-who-commit-violence-against-native-women>.

We recognize that legal equality alone will not lead to women's liberation, but that does not mean that we can ignore the work. To the contrary, as noted above, the lack of equality under law works its own harm, entrenching sexism and gender stereotypes. It is here that we may begin, grounded in an intersectional vision of gender justice and incorporating voices from fellow civil rights.

First, we must dismantle laws and practices that continue to discriminate against women. Here are just a few of the many issues that should be on our anti-sexism to-do list:

- End the exclusion from organizing, overtime, and other protections for workers in “domestic service;”
- Make existing laws against discrimination a reality for all workers, including workers subject to unfair labor practices by franchises, contractors, and others; and
- Withdraw double standards that subject reports of sexual harassment and assault to less robust or nonexistent responses.

Next, we must establish laws and policies that prohibit discrimination in the myriad contexts and forms women experience it, including by:

- Updating Title II of the Civil Rights Act of 1964 to prohibit sex discrimination in public places like restaurants, stores, and hotels;
- Adopting affirmative protections for pregnant and lactating workers who need temporary job modifications so that no one has to choose between a healthy pregnancy and a paycheck;
- Widening protections against harassment, including sexual harassment, to make the promise of the #MeToo movement a reality; and
- Reinstate robust protections for people including women, people of color, and other marginalized groups who have historically faced barriers to housing, and require affirmative steps to dismantle residential segregation that locks out women and children from communities of opportunity.

Finally, we must accept that structural problems limiting women's freedom and equity call for structural solutions increasing freedom and equity for all, such as:

- Provide regular, consistent support to families with young children, such as via a child allowance or by providing universal child care;
- Broader health care access for all and ensure that everyone has the dignity to make decisions about our own reproductive lives through making abortion care accessible and affordable for all by ending restrictions on Medicaid funding for abortion, enacting a federal bulwark against state bans on reproductive healthcare, and protecting maternal health, particularly for Black and Indigenous women.<sup>34</sup>
- Ensure greater access to safe, affordable, and stable housing.

<sup>34</sup>Georganne M. Usova, “President-Elect Biden's Reproductive Freedom To-Do List,” *American Civil Liberties Union*, November 12, 2020, <https://www.aclu.org/news/reproductive-freedom/president-elect-bidens-reproductive-freedom-to-do-list>.

## Changing Sexist Attitudes, Behaviors, and Practices

Given that sexism operates at multiple levels in society, in addition to dismantling sexist laws and policies, we must also dismantle sexism at the individual and interpersonal level to ensure gender equity. Here are a few examples of ways to change sexist attitudes, behaviors, and practices:

- Raise all children to believe in gender equality by teaching positive and strengths-based gender role socialization and gender identity development;
- Engage in consciousness-raising groups to develop critical consciousness and sociopolitical development;<sup>35</sup>
- Deconstruct gender stereotypes to reduce stereotype threat;
- Increase awareness about gender bias and bystander intervention;
- Provide sexual assault, harassment, and sexual coercion training in schools and workplaces;
- Transform health care systems to uproot medical sexism and gender inequities in healthcare.
- Implement organizational-level changes in healthcare, education, housing, employment, etc., to eliminate gender biases in policies, procedures, and practices, particularly those that have a disproportionately negative impact on women of color, women with disabilities, transgender women, and other marginalized groups; and
- Support education, training, and empowerment on sexism, gender equity, and liberation.

## Resistance, Healing, Justice, and Liberation

*“If Black women were free, it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all systems of oppression. – Combahee River Collective<sup>36</sup>*

Many of our feminist foremothers exhibited tremendous strength and resistance to fight white supremacist, capitalist patriarchy.<sup>37</sup> Activism is essential to move us towards liberation. Engaging in resistance also requires us to create space for both individual and collective healing. Drawing on the work of liberation scholars, radical healing allows us to exist in the space between fighting interlocking systems of oppression and envisioning future possibilities for wellness, freedom, and dignity.<sup>38</sup> In addition, cultivating radical healing requires radical hope, which includes envisioning a world where

<sup>35</sup>Roderick J. Watts, Matthew A. Diemer, and Adam M. Voight, “Critical consciousness: Current status and future directions,” *New Directions for Child and Adolescent Development* 2011, no. 134 (Winter 2011): 43-57, <https://doi.org/10.1002/cd.310>.

<sup>36</sup>Keeanga-Yamahtta Taylor, *How We Get Free: Black Feminism and the Combahee River Collective*, (Chicago Illinois: Haymarket Books, 2017), 23.

<sup>37</sup>bell hooks, *Ain't I a Woman* (New York City: Routledge, 2014).

<sup>38</sup>Bryana H. French et al., “Toward a Psychological Framework of Radical Healing in Communities of Color,” *The Counseling Psychologist* 48, no. 1 (January 2020): 14-46, <https://doi.org/10.1177/0011000019843506>; Shawn A. Ginwright, *Black Youth Rising: Activism and Radical Healing in Urban America* (New York: Teachers College Press, 2010).

all women, including the most marginalized, such as Black transgender women, are able to thrive.<sup>39</sup> Many participants shared that the only way to envision a world without sexism is to dismantle all systems of oppression. Others highlighted the fact that true rest and healing will become possible only with liberation. As one participant said, “women, girls, transgender, and nonbinary people deserve rest too.” We must understand that the current conditions of structural sexism can change and reimagine new possibilities for justice and liberation in the future.

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<sup>39</sup>Jioni A. Lewis et al., “#SayHerName: Radical healing for Black women and gender expansive folx,” *Psychology Today*, May 16, 2020, <https://www.psychologytoday.com/us/blog/healing-through-social-justice/202005/sayhername>; Jioni A. Lewis, “#SayHerName: The Impact of Gendered Racism and Misogynoir on the Lives of Black Women,” in *Making Black Lives Matter: Confronting Anti-Black Racism*, ed. Kevin O. Cokley, (San Diego: Cognella Academic Publishing, 2021).

# ANTIBIGOTRY FELLOWS

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**Sahar Aziz** is a Professor of Law, Chancellor’s Social Justice Scholar, and Middle East and Legal Studies Scholar at Rutgers University Law School. Professor Aziz’s scholarship adopts an interdisciplinary approach to examine intersections of national security, race, and civil rights with a focus on the adverse impact of national security laws and policies on racial, ethnic, and religious minorities in the U.S. Her research also investigates the relationship between authoritarianism, terrorism, and rule of law in Egypt. She is the founding director of the interdisciplinary Rutgers Center for Security, Race, and Rights ([csrr.rutgers.edu](http://csrr.rutgers.edu)), a faculty affiliate of the African American Studies Department at Rutgers University-Newark, and a member of the Rutgers-Newark Chancellor’s Commission on Diversity and Transformation. Professor Aziz’s book, *The Racial Muslim: When Racism Quashes Religious Freedom*, examines how religious bigotry racializes immigrant Muslims through a historical and comparative approach. She was named a 2020 Middle Eastern and North African American National Security and Foreign Policy Next Generation Leader by New America. She was a 2017 recipient of the Research Making an Impact Award by the Institute for Social Policy and Understanding (ISPU), and a 2015 recipient of the Derrick Bell Award from the American Association of Law Schools Minority Section. Professor Aziz earned a J.D. and M.A. in Middle East Studies from the University of Texas where she was as an associate editor of the Texas Law Review. Professor Aziz clerked for the Honorable Andre M. Davis on the U.S. District Court for the District of Maryland.

**Ryan Backer** is an age activist striving to undo ageism within an intersectional framework. They’ve been on this social justice path since 2013 and are a co-creator of [OldSchool.info](http://OldSchool.info), a clearinghouse of anti-ageism resources. Ryan’s facilitated workshops on undoing ageism and queering age in NYC, Philadelphia, Louisville, Germany, Ireland, Canada, and online. They work part-time as a care partner, and they’ve interned at the Edie Windsor SAGE Center, the NYC Elder Abuse Center, and Brooklyn Pride Center’s ElderPRIDE. Ryan identifies as a white, non-binary, European-American “old person in training.” They have an undergraduate degree in Gerontology with a minor in Black Studies from York College, City University of New York. [OldSchool.info](http://OldSchool.info) is a clearinghouse of free and carefully vetted resources to educate people about ageism and help dismantle it. You’ll find talks, campaigns, books,

reports, videos, podcasts, and other tools (workshops, handouts, curricula etc.) which are accessible to the general public. The clearinghouse is the brainchild of anti-ageism activist Ashton Applewhite of This Chair Rocks, who created it with Ryan Backer and Kyrié Carpenter. Together we work to advocate against ageism as well as organize movement-building activities and events. Our vision is to help catalyze a movement against ageism and leverage the universal nature of this form of prejudice to address the intersectional nature of all oppression—and of activism itself.

**Rabia Belt** is an Associate Professor at Stanford Law School. She is a legal historian whose scholarship focuses on disability and citizenship. Her scholarship ranges from cultural analysis of disability in the media, to contemporary issues facing voters with disability, to the historical treatment of disabled Americans. Her book, “Disabling Democracy in America: Mental Incompetence, Citizenship, Suffrage, and the Law, 1819-1920” is forthcoming within the Studies in Legal History Series with Cambridge University Press. In 2015, the American Society of Legal History named her a Kathryn T. Preyer Scholar for her paper, “Ballots for Bullets? The Disenfranchisement of Civil War Veterans.” Professor Belt is also an advocate for people with disabilities. In 2016, President Obama named her as a Councilmember to the National Council on Disability, the independent federal agency that advises the President, Congress, and other federal agencies regarding policies and practices that affect people with disabilities. She is on the board of the Civil Rights Education and Enforcement Center [CREEC]. Additionally, she served as a member of the Board of Directors for the Disability Rights Bar Association. Prior to joining the Stanford Law faculty, she was a Visiting Assistant Professor and Research Academic Fellow at Georgetown University Law Center. She received her JD from the University of Michigan Law School, her Ph.D. in American Studies from the University of Michigan, and her AB in Social Studies from Harvard College.

**Khaled A. Beydoun** is a law professor, author and public intellectual. He serves as a law professor at Wayne State University, a Scholar-in-Residence at the Berkman Klein Center at Harvard University, and Associate Director of the Damon J. Keith Center for Civil Rights in Detroit. Professor Beydoun is author of the critically acclaimed book *American Islamophobia: Understanding the Roots and Rise of Fear*, and co-editor of *Islamophobia and the Law*—published by University of Cambridge Press. Professor Beydoun’s academic work has been featured in top academic journals, including *UCLA Law Review*, *Northwestern Law Review*, *California Law Review*, and *Harvard Civil Rights and Civil Liberties Law Review*. His insights have been featured in *The New York Times*, the *Washington Post*, *BBC*, and *ESPN*. Professor Beydoun served on the U.S. Commission for Civil Rights for three years and earned a coveted Open Society Foundations Equality Fellowship. He has been named one of the 500 Most Influential Muslims of the World and is currently working on his third book examining Islamophobia as a global phenomenon. Professor Beydoun is a native of Detroit, Michigan, and holds degrees from the University of Michigan, the University of Toronto, UCLA, and Harvard.

**Saqib Bhatti** is the Co-Executive Director of the Action Center on Race and the Economy (ACRE). He works on campaigns to win racial and economic justice by taking on the financial institutions that are responsible for extracting wealth and resources from communities of color and poor people in order to further enrich themselves. Coming from an immigrant Muslim family from Pakistan, Saqib’s first foray into organizing was as part of the student anti-war movement following 9/11. After college he spent 10 years working on corporate social responsibility campaigns with the Culinary Workers

Union (UNITE HERE) in Las Vegas and the Service Employees International Union (SEIU). He was awarded a Nathan Cummings Foundation Fellowship in 2013, which he used to launch the ReFund America Project, a predecessor organization to ACRE. Saqib serves on the boards of the Americans for Financial Reform Education Fund, the Midwest Academy, and Political Research Associates, and is on the Advisory Council of Community Labor United in Massachusetts. He graduated from Yale University.

**Megan Black** is an organizer and trainer committed to enacting social equity and the common good by combating racism, antisemitism, Islamophobia and Christian dominance. Born and raised in Iowa to a progressive, service-oriented, Catholic and Pentecostal interracial family, Megan has spent much of her life trying to make sense of our differences and build bridges between them. Megan earned a Master's of Divinity degree from Vanderbilt University in 2016 and now directs the Common Good program at Western States Center from her home in Kansas City, MO. In her personal life, Megan serves as a board member of the Front Porch Alliance and as a member of the leadership team of Kansas City's The Open Table.

**E-Shein (Iggy) Chang** is a postdoctoral fellow in Behavioral Geriatrics at Weill Cornell Medicine's Division of Geriatrics and Palliative Medicine. A social scientist by training, Iggy's research seeks to dismantle mechanisms of discrimination, prejudice, and violence in the context of aging health. Her dissertation work, informed by social determinants of health framework, was the first to systematically examine the role of structural ageism and individual ageism in driving elder abuse perpetration. In collaboration with WHO, her systematic review on the health consequences of ageism contributed to the evidence base of the WHO Global Campaign to Combat Ageism. Iggy is also passionate about documenting the ways in which ageism intersects and exacerbates other forms of biases that ultimately lead to worsened health outcomes through the lens of elder justice. Taken together, Iggy's research program has indicated that to improve aging health disparities in general and elder abuse in particular, we must eradicate the ageist systems embedded in our culture. In addition to her research on ageism and elder abuse etiology, she also has an invested interest in minority aging and immigrant health. Iggy completed her PhD in Social and Behavioral Sciences at Yale School of Public Health and her MA in Social Sciences at University of Chicago.

**Janvieve Williams Comrie** is the founder and current Executive Director of AfroResistance. AfroResistance is committed to educating and organizing for human rights, democracy and racial justice throughout the Americas. Janvieve is a human rights strategist, trainer, and organizer with a deep commitment to assist in the building of powerful social movements for racial justice and human rights. She is an expert in race and human rights, and internationally recognized for her work with African Descendent communities. She has worked in a variety of fields and for several human rights institutions, including the Office of the High Commissioner on Human Rights Regional Office Central America, where she coordinated a regional program on race and racism. She has also done groundbreaking human rights work, both with grassroots organizations, NGO's and with the United Nations, primarily in the southern-based United States, Canada, Mexico, Nicaragua, Belize, Panama, Colombia, Venezuela and Brazil to name a few. For over a decade, Janvieve has been serving social movements as a strategist, facilitator and racial justice consultant. She is a writer for Al Jazeera on issues of human rights, race and immigration, and a guest political commentator for teleSUR news. Janvieve

is also an Associate Professor at The New School. She a *Certified Professional Racial Equity Diversity Coach*. She is a mother to two amazing children and lives with her life partner, and helps take care of her parents between The Bronx and Panama.

**John Corrigan** is the Lucius Moody Bristol Distinguished Professor of Religion and Professor of History and Distinguished Research Professor at Florida State University. He teaches American religious history and the history of monotheism. His research focuses on religion and emotion, religious intolerance, and the spatial humanities, and he has authored, coauthored, or edited over 30 books on those subjects. He has served as regular or visiting faculty at the University of Virginia, Harvard, Columbia, Oxford, University of London, Arizona State University, University of Halle-Wittenberg, and University College (Dublin), as a visiting scholar at the American Academy in Rome, as the Fulbright Distinguished Research Chair for the Netherlands, and as a Fulbright Specialist. He also has taught in the FSU program in Florence. His research has been supported by faculty fellowships from the National Endowment for the Humanities, the Andrew W. Mellon Foundation, the National Humanities Center, the American Council of Learned Societies, and the Fulbright Program, and by grants from public and private endowments.

**Joy Cox** is a body justice advocate using her skill set in research and leadership to foster social change through the promotion of body diversity, equity, and inclusion. With thirty-eight years living as a fat, Black, cisgender woman and seven plus years of professional experience under her belt, Dr. Cox draws on her own experiences and trained expertise to amplify the voices of those most marginalized in society, bringing attention to matters of intersectionality addressing race, body size, accessibility, and health. Dr. Cox received her Ph.D. from Rutgers University–New Brunswick in 2018 and published her first book, *Fat Girls in Black Bodies: Creating Communities of Our Own* in 2019. She currently serves as a Program Development Analyst at Rutgers New Jersey Medical School in Newark, New Jersey and is a Fellow at the Presence 5 for Racial Justice research lab at Stanford Medicine. Joy has been featured on several podcasts and media productions such as CNN'S, Chasing Life with Sanjay Gupta, Food Pysch with Christy Harrison, Fat Women of Color with Ivy Felicia, and *Huffington Post's* piece, "Everything You Know About Obesity Is Wrong." She also is the cofounder of Jabbie, the identity inclusive, body affirming community wellness app encouraging people of all body sizes and abilities to move their bodies in their own way.

**Michaé De La Cuadra** (they/she) is a Mexican/Ecuadorian trans femme artist, organizer, and policy expert based in Los Angeles, California (Occupied Tongva Land). Michaé has worked with the TransLatin@ Coalition as the Manager of Policy and Community Engagement, where she has helped to increase the political presence of trans folx of color and working toward accountability from political systems through trans-inclusive legislation. Over the last three years, she has worked to draft and pass trans-inclusive legislation that improves the livelihood of transgender, gender non-binary, and intersex (TGI) people across the state of California. She was integral to the passage of AB 2218 (Transgender Wellness and Equity Fund) and SB 132 (Transgender Respect, Agency, and Dignity Act). Additionally, Michaé is a visual and performance artist using mediums such as dance, painting, and music to uplift her nuanced experience as a genderless being in a cisnormative world.

**Judy A. Dow** is an artist, writer, and educator. She serves as the Executive Director of Gedakina, a multigenerational endeavor to strengthen and revitalize the cultural knowledge and identity of Native American women and their families from across New England. Gedakina works to conserve traditional Native American homelands and places of historical, ecological, and spiritual significance and to educate others as to their importance. Through its programs, Gedakina seeks to deconstruct racism and continual colonialism, gathering people together from different families, communities, and regions to work on issues of mutual importance and impact. Judy has also taught at the Vermont Governor's Institute for the Arts for ten years and was the 2004 recipient of the Governor's Heritage Award for Outstanding Educator. Judy's basketry has been displayed in museums across the US and Canada. As an independent education consultant and specialist, she has conducted classes for students in kindergarten through college. Using an interdisciplinary format she integrates art with science, history, writing, and mathematics. Judy's work has been on exhibit throughout the US and Canada including displays at the National Museum of the American Indians in Washington DC. Eight of Judy's baskets were part of a three-year tour with Honor the Earth Impacted Nations visiting, NYC, Minneapolis, Santa Fe, Portland, Chicago and more. Currently Judy has felted wool tapestries on tour throughout Europe addressing Anti-Eugenics. She has a Masters in Teaching for Social Justice.

**Cynthia Willis Esqueda** received her Ph.D. in Psychology from University of Kansas. She has been a faculty member of the University of Nebraska-Lincoln Department of Psychology (Social Psychology and Psychology-Law programs) and the Institute for Ethnic Studies (American Indian Studies and Latina/Latino Studies) since 1991. Dr. Esqueda's research focuses on motivations for and cognitive processes about "race" and ethnic bias, particularly against America's indigenous populations. Dr. Esqueda and her students examine how ideology determines cognitive and social perceptions of ethnic groups and the meaning of such perceptions for legal and social inequality. Current projects focus on biases against those of Mexican descent in legal decision making, from minor offenses to the death penalty, and even exoneration. Another research focus is on motivations for anti-immigrant attitudes. Dr. Esqueda is a Fellow of the Society of Personality and Social Psychology. She is co-chair of American Psychology-Law Society's Broadening Representation, Inclusion, Diversity, and Global Equity (BRIDGE) Committee. She is an executive editor of the *Journal of Social Psychology*. She served as Director for Native American Studies for several years. She lives in a dual citizenship family (Mexico and United States).

**Terina Kamaileluli'i Fa'agau** was born and raised on O'ahu's Leeward Coast in Wai'anae, and is currently a law clerk at the Hawai'i Supreme Court. Reflecting her enduring commitment to Hawai'i, Terina's interests and areas of scholarship include Native Hawaiian law and Indigenous Peoples' rights. Terina previously served as a Post-Juris Doctor Legal Fellow with the Ka Huli Ao Center for Excellence in Native Hawaiian Law. She is a proud graduate of the University of Hawai'i at Mānoa William S. Richardson School of Law, where she earned a Native Hawaiian Law Certificate. As a law student, Terina assisted Professor Emeritus Charles R. Lawrence III in publishing his book review *Implicit Bias in the Age of Trump*. She was also chosen by Eric K. Yamamoto, Fred T. Korematsu Professor of Law & Social Justice, to participate as a Research Assistant in his Scholar Advocate Project focused on learning cutting edge justice theory and translating those insights for frontline practical use. She received a B.A. in Social Sciences and a Certificate in Democratic Principles and Social Justice from the University of Hawai'i—West O'ahu.

**Amy Erdman Farrell** is the James Hope Caldwell Memorial Chair of Liberal Arts and Professor of American Studies and Women's, Gender, and Sexuality Studies at Dickinson College in Carlisle, Pennsylvania. She is the author of *Yours in Sisterhood: Ms. Magazine and the Promise of Popular Feminism* (University of North Carolina Press, 1998) and *Fat Shame: Stigma and the Fat Body in American Culture* (New York University Press, 2011). She has shared her research on national popular media, including *Bitch*, *the New Yorker*, *Psychology Today*, NPR, CNN, and *The Colbert Report*, and from 2019-2020 served as an American Council of Learned Societies fellow. She is a 2021-22 Fellow at the Harvard Radcliffe Institute, working on a project focusing on key moments in the history of the Girl Scouts of the USA, ones that illuminate struggles over the meanings of girlhood, feminism, racial equality, empire, and nationalism.

**Marc-Tizoc González** is a professor at the University of New Mexico School of Law. A grandchild of people who migrated to the United States during the Mexican Revolution, he is a coauthor of *Latinos and the Law: Cases and Materials* (West Academic 2d ed. 2021)—with Richard Delgado, Leticia M. Saucedo, Jean Stefancic, and Juan F. Perea. Professor González has authored numerous law review articles, along with several book chapters, *amicus curiae* briefs, and expert declarations. His scholarship analyzes how constitutional jurisprudence (particularly First Amendment freedoms), civil rights statutes, and property law affect people who are hungry, impoverished, or otherwise marginalized (e.g., the “food-sharing cases”). He also researches and writes “critical ethnic legal histories,” wherein racialized workers, including lawyers, cultivated interracial solidarity to realize an emancipatory vision of social justice, and he advocates for greater Anglophone knowledge about *habeas data*, a third-generation international human right to information that various Latin American peoples innovated in the late-twentieth-century as they sought to recreate constitutional democracies out of the ashes of their postfascist dictatorships. Professor González is active in the Association of American Law Schools (having chaired the Sections on Civil Rights, Minority Groups, and Poverty Law) and has long served on the board of directors of Latina and Latino Critical Legal Theory, Inc. (LatCrit), which advances interracial justice by cultivating antisubordination discourse, critiquing how law and ideology racialize communities, and striving to make critical knowledge accessible to agents of social and legal transformation. He lives with his family in New Mexico.

**Heron Greenesmith** is the Senior Research Analyst for LGBTQI Justice at Political Research Associates, where they focus on monitoring and disrupting the rhetoric, networks, and leaders of anti-transgender advocacy and activism. Greenesmith is also an adjunct Professor of Queerness in the Law at Boston University School of Law and an Editor of the *Bulletin of Applied Transgender Studies*. Greenesmith has published extensively on anti-trans rhetoric, anti-trans feminists, the religious right, child welfare, conversion therapy, and disparities facing bisexual and pansexual communities. You may find their work at [www.herongreenesmith.com](http://www.herongreenesmith.com) and follow them on twitter @herong.

**Sungkwan E. J. Jang** serves as the deputy executive director at the Korean American Grassroots Conference (KAGC), the largest nationwide network of Korean American voters and a non-profit organization based in Washington, D.C. In this capacity, he directs legislative relations, public relations, and education programs and initiatives, with an emphasis on organizing youth voters. Since 2016, Sungkwan has worked with over 1,500 undergraduate students from 120 universities in voter registration drives, guest speaking invitations, and civic action training. Prior to joining Korean

American Civic Empowerment in 2014, Sungkwan taught in gifted and talented education programs in northern New Jersey. Sungkwan studied Cognitive Science at Case Western Reserve University in Cleveland, Ohio.

**Antoinette M. Landor** is an Associate Professor and the Millsap Professor of Diversity and Multicultural Studies in the Department of Human Development and Family Science at the University of Missouri. She is co-founder and Associate Director of the Center for Body Image Research and Policy (CBIRP). Dr. Landor received a Ph.D. from the University of Georgia and completed a National Institutes of Health (NIH) postdoctoral fellowship at the University of North Carolina–Chapel Hill. Her research focuses on the impact of colorism and racism on individual, relational, and family health and functioning. She also examines how sociocultural factors influence the sexual and romantic relationship behaviors of adolescents and young adults. Her work has appeared in top-tier journals and has been presented at domestic and international conferences. Dr. Landor is the recent recipient of numerous research, teaching, and mentorship awards. These honors include the prestigious *President's Award for Early Career Excellence* from the University of Missouri System and the *Provost's Outstanding Junior Faculty Research Award*. In addition, one of her articles, "Skin-Tone Trauma: Historical and Contemporary Influences on the Health and Interpersonal Outcomes of African Americans," won the 2020 *Best Paper Award* from the National Council on Family Relations. Dr. Landor grew up in Lake Charles, Louisiana, attended Grambling State University for her undergraduate studies, and is a proud and active member of the Alpha Kappa Alpha Sorority, Inc. and the Links, Inc. (Charter Member of Central Missouri Chapter).

**Jioni A. Lewis** is an Associate Professor of Counseling Psychology in the Department of Counseling, Higher Education, and Special Education at the University of Maryland, College Park. Dr. Lewis is a leading expert on the impact of systemic racism on the mental and physical health of Black, Indigenous, and People of Color. Her primary area of research applies intersectionality theory to investigate the influence of racism and sexism (i.e., gendered racism) on Black women's health and wellbeing. She also examines protective factors that buffer individuals against the harmful effects of racism and sexism, such as radical healing, collective coping, and resistance strategies. Dr. Lewis has received several national awards for her research, teaching, mentoring, and advocacy, including the 2019 Emerging Professional Contributions to Research Award from the American Psychological Association, Society for the Psychological Study of Culture, Ethnicity, and Race; and the 2020 Emerging Leader for Women in Psychology Award from the Committee on Women in Psychology. She is Past-President of the Psychology of Black Women, where she served as Lead Coordinator of the Inaugural Psychology of Black Women Conference. Before joining the University of Maryland, Dr. Lewis was an Associate Professor of Psychology and Co-Founding Director of the Critical Race Collective at the University of Tennessee. She received her Ph.D. in Counseling Psychology from the University of Illinois at Urbana-Champaign. Dr. Lewis's research, teaching, and advocacy are grounded in her passion and commitment to social justice and equity.

**Kyle T. Mays** (he/him) is an Afro-Indigenous (Saginaw Chippewa) writer and scholar of US history, urban studies, race relations, and contemporary popular culture. He is an Assistant Professor of African American Studies, American Indian Studies, and History at the University of California, Los Angeles. He is the author of *Hip Hop Beats, Indigenous Rhymes: Modernity and Hip Hop in Indigenous North*

*America* (Suny Press, 2018), *An Afro-Indigenous History of the United States* (Beacon Press, 2021), and *City of Disposessions: Indigenous Peoples, African Americans, and the Creation of Modern Detroit* (University of Pennsylvania Press, 2022).

**Reyma McCoy Hyten**, the first Black woman to ever serve as the U.S. Department of Health and Human Services Commissioner for the Administration on Disabilities, is now devoting her full time and attention to supporting the creation of just and verdant communities for all in the US- and beyond. She was the recipient of a 2019 AT&T Humanity of Connection award. Additionally, her 2018 run for office was endorsed by the Working Families Party. Her work has been featured in *Vice*, *Time*, *The Guardian*, and *USA Today*. After a twenty-year career as a helping professional, her vocation has shifted from serving marginalized people to addressing, through her signature approach to identifying and confronting the root causes of oppression, how systems create marginalization in the first place.

**Keri Leigh Merritt** is a historian, writer, filmmaker, and activist based in Atlanta, Georgia. She is the author of the award-winning *Masterless Men: Poor Whites and Slavery in the Antebellum South* (2017), as well as co-editor of *Reconsidering Southern Labor History: Race, Class, and Power* (2018), and *After Life: Death and Loss in 2020 America* (2022). She is currently directing and producing a multi-episode documentary on the Civil War, and also writing a book on the southern antiracist writer Lillian Smith.

**Dalia Mogahed** is the Director of Research at the Institute for Social Policy and Understanding, where she leads the organization's pioneering research and thought leadership programs on American Muslims. Mogahed is former Executive Director of the Gallup Center for Muslim Studies, where she led the analysis of surveys of Muslim communities worldwide. With John L. Esposito, she coauthored the book *Who Speaks for Islam? What a Billion Muslims Really Think*. President Barack Obama appointed Mogahed to the President's Advisory Council on Faith-Based and Neighborhood Partnerships in 2009. She was invited to testify before the U.S. Senate Committee on Foreign Relations about U.S. engagement with Muslim communities. Her 2016 TED talk was named one of the top TED talks that year. She is a frequent expert commentator in global media outlets and international forums. She is also the CEO of Mogahed Consulting.

**Mark D. Ramirez** is an Associate Professor in the School of Politics and Global Studies at Arizona State University. He studies the role of democratic and non-democratic processes on political preference formation with an emphasis on how these processes impact racial and ethnic minorities. His book, *Ignored Racism* with David A.M. Peterson, is the recipient of the 2021 Best Book on Race and Ethnic Politics from the American Political Science Association.

**Kwyn Townsend Riley**, “Kwynology,” is a poet, speaker, and organizer from the Southside of Chicago. She has been writing for as long as she could remember, first performed on the mic in high school and has been in love ever since. Her writing helps others heal as well as herself. As a black woman, she has experienced many poems to preach on; racialized violence, womanism, gentrification and womanhood, homophobia and more. She has performed all across the world from Germany to California. As a speaker, she has interviewed for CBS, WBEZ, Windy City Live and the Late Night Tammi Mac Show. As an organizer, she is passionate about justice for all black people, especially black queer and gender nonconforming folks. She organizes through a Black Queer Feminist Lens alongside her BYP100 fam. Kwyn is an author of two books “And She Wrote” and “and She Will” and has released her poetry album “and She Worthy.” Kwyn loves her family, Chicago and french fries.

**Lourdes M. Rosado** is the President and General Counsel of LatinoJustice PRLDEF. She has twenty-five plus years of experience as a social justice champion, working to advance the very rights and opportunities that are at the core of LJP's mission. A skilled litigator and appellate attorney, Ms. Rosado has successfully led and directed targeted advocacy efforts on a wide variety of civil rights issues, including challenging the rescission of DACA and the enactment of the Muslim travel ban; fighting dangerous conditions of confinement for youth in correctional and child welfare facilities; going after employers who expose employees to sexual harassment and a hostile work place; defeating efforts to prevent immigrant children from enrolling in public schools; holding school districts accountable for disciplinary practices that discriminate against students based on their race, ethnicity, or disability status; and dismantling barriers to quality health care as well as educational and employment opportunities faced by people of color. Ms. Rosado is a graduate of Swarthmore College, holds an M.A. in Latin American Studies from Columbia University's School of International and Public Affairs, a J.D. from New York University School of Law, and an LLM from Georgetown University Law Center. Ms. Rosado has received many honors, including being named the 2009 Citizen of the Year by the *Philadelphia Inquirer* for her role in successfully advocating that the Pennsylvania Supreme Court vacate the juvenile delinquency adjudications of thousands of youth who were victims of the infamous Kids for Cash scandal.

**Lakshmi Sridaran** currently serves as the Executive Director of South Asian Americans Leading Together (SAALT). From 2014 to 2019, she was SAALT's Director of National Policy and Advocacy where she led the organization's external engagement and developed SAALT's policy and legislative agenda, which primarily focuses on immigration, racial profiling, and combating hate violence. Prior to that she served as the Policy Director for The Praxis Project, a Washington D.C. based national movement support organization focused on health justice in communities of color. Before moving to D.C., Lakshmi completed six years of work in New Orleans, Louisiana immediately following Hurricane Katrina, working in Black-led organizations to help improve federal contracting opportunities for Black and women-owned businesses; institute participatory budgeting to expose inequitable distribution of federal recovery dollars; and preserve public schools and infrastructure from rapid privatization. Lakshmi is grounded in her early organizing experiences, which include fighting for living wages for campus workers; working to reverse Prop 209, which banned affirmative action in California; helping ensure land retention for Black farmers in her home state of Georgia; and conducting voter outreach in Haitian and Latinx communities in Miami leading up to the 2004 presidential election. Since 2009, Lakshmi has served on the Board of the Southern Initiative of the Algebra Project, originally founded in Mississippi in the 1980's to use mathematics as an organizing tool to ensure quality education for every child. She holds a Masters degree in City Planning from Massachusetts Institute of Technology and a B.A. in Ethnic Studies from The University of California, Berkeley.

**Jason Stanley** is the Jacob Urowsky Professor of Philosophy at Yale University. Before coming to Yale in 2013, he was Distinguished Professor in the Department of Philosophy at Rutgers University. Stanley is the author of 5 books, including *How Propaganda Works* (2015, Princeton UP), which won the PROSE Award for Philosophy from the Association of American Publishers. His most recent book is *How Fascism Works: The Politics of Us and Them* (Penguin Random House, 2018). He writes about authoritarianism, propaganda, free speech, mass incarceration, and other topics for *The New York Times*, *The Guardian*, *The Washington Post*, *The Boston Review*, and many other publications. He is on the advisory board of the Prison Policy Initiative, and formerly served as a board member.

**Tyler Press Sutherland** is the Director of Racial Justice and Equity at the Legal Aid Foundation of Los Angeles (LAFLA). She leads LAFLA's racial justice policy work, supports LAFLA staff in pursuing race equity-focused systemic changes in law, and leads LAFLA's Race Equity Initiative. Tyler grew up in Los Angeles and has devoted her career to advancing the causes of low-income Angelenos of color. Tyler joined LAFLA in 2013 as an Equal Justice Works AmeriCorps Legal Fellow in LAFLA's Veterans Justice Center, and later became a staff attorney in the Economic Stability Workgroup where she represented poor and low-income clients in government benefits legal cases. She has litigated numerous cases in state and federal court, including representing the petitioners in the 2020 decision in *Ortega v. Johnson*, which ensures that recipients of CalFresh food benefits who are victims of electronic theft are reimbursed after they report the theft. Tyler received her Juris Doctor from Georgetown University Law Center and her undergraduate degree from Harvard College.

**Ria Tabacco Mar** (@RiaTabaccoMar) is the Director of the ACLU's Women's Rights Project, where she oversees the ACLU's women's rights litigation. Previously, she was a senior staff attorney with the ACLU's Lesbian Gay Bisexual Transgender & HIV Project, where she fought gender stereotypes, sex segregation, and attempts to use religion to discriminate in schools, at work, and in public places. Ria was part of the ACLU's litigation team representing Aimee Stephens and Don Zarda, whose cases were decided as part of the recent Supreme Court ruling recognizing that federal employment law protections apply to LGBTQ people. She also led the ACLU's team in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, the case in which a same-sex couple was refused a wedding cake because of their sexual orientation. Ria has been recognized on The Root 100 annual list of the most influential African Americans ages twenty-five to forty-five and as one of the Best LGBT Lawyers Under 40 by the National LGBT Bar Association. Prior to joining the ACLU, Ria served as Assistant Counsel at the NAACP Legal Defense & Educational Fund, an associate at Cravath, Swaine & Moore LLP, and as a judicial law clerk to Judge Julia Smith Gibbons of the U.S. Court of Appeals for the Sixth Circuit and to Judge Victor Marrero of the U.S. District Court for the Southern District of New York. Ria graduated from New York University School of Law and Harvard College.

**Ian Falefuafua Tapu** (he/him) is currently a law clerk at the Hawai'i Supreme Court and later in the year will be clerking in federal district court. Born and raised in Hawai'i with family ties to Samoa and Tonga, his advocacy is intimately tied to uplifting and supporting Pasifika people. Tapu has also published extensively on topics relating to U.S. territories, LGBTQ rights, constitutional law, and Indigenous rights. His work has appeared in publications such as *Arizona Law Review*, *NYU Review of Law & Social Change*, and *UCLA Asian Pacific American Law Journal*. He has other work forthcoming with *California Law Review* and *Harvard Civil Rights-Civil Liberties Law Review*. Tapu earned a J.D. from the University of Hawai'i William S. Richardson School of Law, where he was an Ulu Lehua Scholar and founder of the Pacific Islander Legal Association Student Chapter, and received an A.B. in Native American Studies and Public Policy from Dartmouth College. He also sits on various local boards and national councils.

**Amanda Tyler** is the executive director of BJC (Baptist Joint Committee for Religious Liberty) in Washington, D.C. She leads the organization as it upholds the historic Baptist principle of religious liberty, defending the free exercise of religion and protecting against its establishment by government. Tyler often speaks in churches, educational institutions, and denominational gatherings, and she

provides commentary on faith freedom issues to the national media. She also co-hosts the Respecting Religion series on the BJC Podcast, and she serves on the board of the Center for Faith, Justice, and Reconciliation. Tyler was named “Baptist of the Year” by EthicsDaily.com in 2019 for her work leading the Christians Against Christian Nationalism initiative. Called a “powerful advocate” and “rising star in the sector” by *The Nonprofit Times*, she was named one of the nation’s top fifty nonprofit leaders in 2018. Tyler is a graduate of Georgetown University and The University of Texas School of Law. A member of the Texas and U.S. Supreme Court Bar, she has experience working in Congress, in a private legal practice, and serving as a law clerk for a federal judge. You can follow her on Twitter: @AmandaTylerBJC.

**Eric Ward** is a nationally-recognized expert on the relationship between authoritarian movements, hate violence, and preserving inclusive democracy. He brings over 30 years of leadership in community organizing and philanthropy to his roles as Western States Center’s Executive Director and Senior Fellow with Southern Poverty Law Center and Race Forward. Since Eric took the helm in 2017, Western States Center has become a national hub for innovative responses to white nationalism, antisemitism, and structural inequality, towards a world where everyone can live, love, work, and worship free from bigotry and fear. In his 30+ year civil rights career, Eric has worked with community groups, government and business leaders, human rights advocates, and philanthropy as an organizer, director, program officer, consultant, and board member. Currently Co-Chair for The Proteus Fund, Eric is a member of the Pop Culture Collaborative’s Pluralist Visionaries Program and the recipient of the Peabody-Facebook Futures Media Award. Eric is in high demand as a speaker and media source, and is the author of multiple written works credited with key narrative shifts, including “Skin in the Game: How Antisemitism Animates White Nationalism.” He has been quoted in *The New Yorker*, *New York Times*, *Los Angeles Times*, *Washington Post*, *ESPN*, *NPR*, *BBC*, *Rolling Stone* and numerous other media outlets, and regularly publishes on Medium and The Oregon Way blog. Eric is working on a forthcoming documentary about whiteness and race in America and is an aspiring singer-songwriter under the name of Bulldog Shadow.

**Paul Watanabe** is Professor of Political Science and Director of the Institute for Asian American Studies at the University of Massachusetts Boston. He currently serves as President of the Board of Directors of the Nisei Student Relocation Commemorative Fund; Board of Directors of the South Shore Health System; Board of Directors of North Hill Communities; Board of Trustees of the Harry H. Dow Memorial Legal Assistance Fund; Board of Trustees of the Town of Weymouth Libraries Foundation; Redistricting Data Hub’s Advisory Data Council, and the City of Boston’s COVID-19 Health Disparities Task Force. He was appointed by President Obama to serve on the President’s Advisory Commission on Asian Americans and Pacific Islanders and served as the first Chair of the U.S. Census Bureau’s National Advisory Committee on Racial, Ethnic, and Other Populations. He is the author of *Ethnic Groups, Congress, and American Foreign Policy* and principal author of *A Dream Deferred: Changing Demographics, New Opportunities, and Challenges for Boston*. His scholarly articles on ethnic studies, Asian Americans, public policy, political behavior, foreign policy, and health disparities have appeared in major academic journals and edited volumes. Paul received his B.S. in Political Science from the University of Utah and Ph.D. in Political Science from Harvard University.

**Jason D. Williamson** is executive director of the Center on Race, Inequality, and the Law at NYU School of Law. Prior to assuming his current role in June 2021, Jason spent more than ten years as a staff attorney and deputy director with the ACLU's Criminal Law Reform Project, where he focused primarily on Fourth Amendment, police practices, and public defense reform litigation. Prior to joining the ACLU, Jason worked as a litigation associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York, and served as a law clerk for Judge Sterling Johnson, Jr. in the Eastern District of New York from 2007-2008. He began his legal career in New Orleans in the months following Hurricane Katrina, first as a staff attorney for the Juvenile Justice Project of Louisiana, and later as a staff attorney and founding member of Juvenile Regional Services (now called the Louisiana Center for Children's Rights), which provides legal representation for indigent youth in Orleans Parish Juvenile Court. Jason also serves as an adjunct clinical professor at New York University School of Law. He received his Bachelor Degree from Harvard University in 1998, his M.A. from University of Chicago in 1999, and his J.D. from NYU Law in 2006. Jason is a devout Rastafarian, loving husband, and proud father of fourteen-year-old twin daughters.