

HISTORICAL DEVELOPMENT OF INSTITUTIONAL RACISM

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Preface

History has always intrigued me, filled as it is with stories about people, their lives and the decisions they made and the actions they took. But beyond that, as a student I was always more intrigued with the stories that were missing or scantily referenced, not to mention the half truths and out right lies. As a Native person and female, I always felt the most interesting stories, the stories about people like me were the ones I most wanted to hear, and were the ones most glaringly absent from my grade school and high school history books, from the encyclopedias and reference books found in school libraries.

But history intrigued me never the less. There is always a sense of reading between the lines to discover more than the story articulated in text. I understand now what I was doing even back then. I was looking for the patterns, looking at events and circumstances, dissecting words and deeds of historic figures in an attempt to discern more broadly the social dynamics of the time and their consequences for us today. You have to do this if the people you care most about are written out. But even in the writing out or distortion of the stories, there is evidence of the truth. It wasn't until I learned to make baskets that the patterns described in this paper became clear to me. Perhaps concentrating on the basket I was working on and dreaming about the baskets I wanted to make, reordered my mind so I could see new patterns in the peoples' stories I have experienced either directly or by reading them. What had once seemed like loosely related stories suddenly come together in a whole new way for me to weave their divergent strands together to form the basket of history.

The strands of the basket lay in my hands long before I knew how to fit them together. I knew there was a *blood* criteria to identify Blacks and Indians, one drop for one group, blood quantum for the other. While both criteria are clearly motivated by racism, why the big difference? At first it didn't make sense, the different ways racism manifests pertaining to these two groups. White supremacy and colonialism seemed to be at the core, but it wasn't until I wove them together with U.S. apartheid, in its fullness that the frame of the basket began coming together. Eventually I came to see the main fiber in the basket's frame was white supremacy; colonialism and apartheid were laid along side the white supremacy to give the basket shape, and form and strength. Then I finally saw the patterns in the stories of People of Color, their lives and their struggles. I saw them woven on this frame of white supremacy, colonialism and apartheid, saw all the lives woven together. The stories and current realities of each racial group woven in patterns over this powerful frame, holding all of us captive in its fibers. September 11 and the aftermath helped a lot too. The crisis removed the veils of political correctness and allowed hateful racist rhetoric (especially toward Arabs) to resurface in the mainstream discourse. A pattern some pretended didn't exist anymore suddenly reemerged.

These patterns are so deeply imbedded in our society, I can't look at our laws and systems without seeing them any more. That they are so deeply imbedded but obfuscated in our collective psyche emphasizes the importance of understanding racism as White supremacy and looking at history through the lenses of colonialism and apartheid. We have been taught not to see these patterns, to see racism in disparate pieces as if it makes no sense. But seeing the three as interrelated and

dependent strands, like the strands of a braid allows us to see the fullness of White supremacy in all of its manifestations. This working paper is intended to reveal some of the patterns woven over the frame of White supremacy, colonialism and apartheid.

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Introduction

Colonial, for many people in the United States, refers to the historic period prior to 1776 and the "American Revolution" and particularly to the interactions between the British monarchy and its representatives and the American patriots. Rarely does the focus of the colonial period fix on the experience of People of Color; yet, many consider themselves to still exist in a colonial state within the United States. To understand US colonialism, one must focus on the experiences of People of Color whose lands, lives, cultures and resources were exploited historically and continue to be so today; also, to understand the role and relationship of colonized peoples to Europeans and Euro-Americans who benefit from the exploitation.

Through a deep analysis of the colonial project, the foundations of the systemic economic, cultural, and racist oppression that we have inherited today are made visible. To do this honestly and authentically we must rely heavily on the insights and experiences of those for whom colonialism is an ongoing reality. At one time we might have referred to them as indigenous peoples and recognized them by their true names, but today, because their homelands have been invaded, with many people forcibly removed and traditional societies destroyed, they have become part of US society with names imposed on them; Afro-Caribbeans, Central and South American Indians or

Indios, Native Hawaiians, Puerto Ricans, Samoans, Filipinos, African Americans, Asian Americans, Arab Americans, Mexican-Americans, Native Americans, Latinos, and Chicanos. The key to understanding the historic experience and current realities of these groups, is to understand that the way they came to be present and their roles in US society differs significantly from that of European Americans.

Immigration and colonialism [are] the two major processes through which new population groups are incorporated into a nation. Immigrant groups enter a new territory or society voluntarily, though they may be pushed out of their old country by dire economic or political oppression. Colonized groups become part of a new society through force or violence; they are conquered, enslaved, or pressured into movement. (B. Blauner. *Racial Oppression in America*, 1972). Thus there are four conditions that differentiate the experience of People of Color from that of European immigrants. *The first is forced entry [by the colonizer] into the [indigenous] society or metropolitan domain. The second is subjection to various forms of unfree labor that greatly restricts the physical and social mobility of the [colonized] group and its participation in the political arena. The third is a cultural policy of the colonizer that constrains, transforms, or destroys [indigenous] original values, orientations, and ways of life. [Fourth is] the experience of being managed and manipulated by outsiders in terms of ethnic status...the lives of colonized people tend to be administered by representatives of the dominant political and legal order.* (Blauner) Blauner also indicates that what fuels and enables the colonial project is an underlying racist ideology which dehumanizes indigenous peoples and defines humanity as white, European, and Christian. [cite this](#)

Rodolfo Acuña describes six conditions of the colonial project:

1. The land of the people is invaded by people from another country, who later use military force to gain and maintain control.
2. The original inhabitants become subjects of the conquerors involuntarily.
3. The conquered have an alien culture and government imposed on them.
4. The conquered become victims of racism and cultural genocide and are relegated to a submerged status.
5. The conquered are rendered politically and economically powerless.
6. The conquerors feel they have a “mission” in occupying the area in question and believe that they have undeniable privileges by virtue of their conquest.

(R. Acuña in Delgado and Stefancic. *The Latina/o Condition: A Critical Reader*, 1998.)

“Colonialism is comprised of a complex set of relationships stemming from the underlying condition of subjugation in which one power has control over another people’s education, language(s), customs, lands, and economic means of sustenance” (Dobles & Segarra, 1998)

In the first two descriptions of colonialism, Blauner and Acuña, both name an underlying ideology fueling the colonial project. Blauner describes a racist ideology underlying colonialism, Acuña describes it as the conquerors *mission*. Understanding the power of ideology is key to understanding the power of white supremacy or racism as an ideology, as William H. Watkins states, *A body of ideas may serve to rationalize and justify any political, educational, or economic system, but ideology helps organize our world and explains it in relation to power and vested interests* (Watkins, 2).

White supremacy is the ideology behind colonialism and apartheid, and this is our inheritance in the United States, it is still the ideology organizing our lives today. Too often we settle for simplistic understandings of white supremacy. But for those of us engaged in processes to dismantle racism,

we need to understand the fullness of White supremacy and all its complexity. In 1971 Dr. Neely Fuller wrote, “ If you don’t understand white supremacy (racism) what it is and how it works, everything else that you understand will only confuse you.” (citation) One of the simplistic ways we have thought about White supremacy in the past was to think of it was a single ideology, what this working paper identifies are patterns that reveal White supremacy as multiple, mutually reinforcing ideologies.

These ideologies originally organized the US into an apartheid nation, legally and socially segregated into White and “non-White” worlds. Apartheid was created differently through specific laws and their interpretation for each distinct People of Color group. Although apartheid laws have been changed, colonialism remains and the racist ideologies remain. Life in the United States continues to be organized by White supremacist ideologies. One predominate way is through our systems and institutions.

The Relationship Between the United States and Institutions

The tradition of racism that began in Europe continued in the United States after the Revolution as a way to legally create a system of White dominance and as a way to carve out nationhood. The founders of the United States were building up systems and institutions, and even a distinct “American” identity that incorporated and perpetuated the racist paradigm that was begun in Europe, in order to establish the United States a White, Protestant nation.

Institutional power is an extension of “state” power in the United States. Institutions not only abide by the laws of the United States, institutions are sanctioned by the state because institutions maintain the laws and preserve the standards and norms defined by the laws. Institutions give form and function to the values under-girding the laws.

Racism was originally built into the US legal system because White supremacy was among the values the “founding fathers” were trying to preserve. As institutions were built along side the building of the US legal system, racism and its underlying racial ideologies were built in to the laws, and built in to the institutions.

As we look at the laws (including how they have been interpreted by the Supreme Court) and institutions of the United States it is important to pay attention to the fact that while racism has drastic and deadly impacts on all People of Color, the “concept of race” is not applied in the same way to each People of Color group. Race and racism are applied differently to Native people than to Blacks, for example. It is important to investigate these differences in order to fully understand the impacts and dynamics of White supremacy. Although People of Color are negatively impacted by racism, the purpose of racism is not to harm People of Color; rather, to provide power and privilege to Whites. Thus, in order to not be confused by racism, we need to investigate the economic benefits White society derives from the exploitation of each People of Color racial group. Over time, we can discern a pattern to the exploitation which reveals a racial ideology and economic strategy to exploit each group. Historically, these ideologies were reinforced and the economic strategies codified into the laws and institutions of the United States, and are now perpetuated as if on auto-pilot into our modern time, even though many overtly racist laws have changed.

The Ideologies and Related Racial-Economic Strategies

Each of the racial ideologies discussed in this section are summarized on the accompanying chart, *Historical Development of Institutional Racism*. The chart lists five distinct People of Color groups in the

United States, names the racial ideology applied to each group and accompanying racial economic strategy. The third column for each groups lists specific laws or legal interpretations that established apartheid for each group. The fourth column lists changes to laws that were intended to end apartheid and the final column contains examples of how racism continues to self-perpetuate in spite changed laws.

US racial ideologies have their roots in Europe, one of the longest running ideologies applies to Arabs and continues full steam today. It manifests in the belief that Arabs “hate us, hate our freedoms and want what we have.” This ideology has its origins in the Reconquista and the Crusades. The Reconquista of Spain (and Portugal) resulted in driving out the Moors and Jews and uniting Spain under a single Christian monarchy. The Crusades were earlier attempts by European Christians to establish military and economic footholds in the Arab world. The European Christian belief that Arabs and Jews were heathens and infidels, rendered them unworthy to possess the physical wealth of God’s creation. These beliefs paved the way to the Doctrine of Discovery that justified the European conquest of *New World* (Sardar and Davies, 143-149 and 160-161). But it also established the racist ideology of Arabs as “marauding invaders” in which Whites are justified to acquire and control Arab’s natural resources in order to prevent those resources from being used to invade and conquer free, democratic, Christian society (Sardar and Davies, 146-150).

The racial ideology applied to African Americans defines Blacks as social and intellectual inferiors incapable of creating and maintaining civilized society. Driven by this ideology White Europeans made Africa an early target of colonial expansion and exploitation. Indigenous Africans were enslaved both on the African continent and were kidnapped and removed to Europe and to many parts of the so called *New World*. Chattel slavery evolved in the United States in its most virulent form and persisted long after the practice had been outlawed in Europe. Even after the Civil War, the ideology of White supremacy and Black inferiority has shaped the US social, political and economic landscapes. The United States became a world economic super power based on the unpaid labor of enslaved Africans. Even after emancipation, the perpetuation of White supremacist ideology has maintained a large pool of low wage earning and permanently unemployed African Americans.

The Doctrine of Discovery defined the European experience in the *New World*. This legal doctrine was mutually established by the Vatican and the European monarchs. designed to reduce conflict in the *Old World* and maximize exploitation of the *New World*, the Doctrine of Discovery declared that the first Christian nation that *discovered* an area of land in the *New World* belonging to heathens, infidels and savages, then had claim over that land and all the people and resources found there. There were two Inter Cetera Papal Bulls that initially codified this Doctrine, the first by Pope Nicholas V in 1452 and the second by Pope Alexander VI in 1493; in addition there were decrees from the European monarchs charging their seafaring explorers to discover new lands, claim them in the name of their monarchs and bring home the spoils (Deloria in Jaimes, 271-272 and Sardar and Davies, 144). One example is the decree of King Henry VII of England to John Cabot in 1482, which formed the basis for all English claims to what became the United States of America, and says in part:

Seek out, discover, and find what so ever islands, countries, regions, or provinces of the beathens and infidels, what so ever they be, and in what part of the world so ever they be, which before this time have been unknown to Christians (Haudenosaunee UN Intervention, and Sardar and Davies, 144).

Manifest Destiny is the direct descendent of the Doctrine of Discovery and resulted in a continued genocidal racial strategy directed at Indigenous peoples, which started out as outright war and colonial conquest, and today continues through the application of *blood quantum* to racially define who is and is not *Indian* (see Dawes Act below) as well as by making Native peoples invisible and irrelevant.

To understand the racial strategy applied to Latina/os, we have to understand the difference between Spanish Colonialism and English Colonialism. Spanish colonialism did not set out to create *all White* European spin-offs in the new world, it was the exploitation of the land, its people and resources and domination by Whites that Spain and Portugal pursued. There was never any angst about creating a *Mestizo* nation, in fact, over time, a whole ideology around the supremacy of the mixed race man emerged in Latin America. But this was not true in the English colonies in America, where the goal *was* to establish all new, all White, all Protestant countries in the New World (Forbes, 3-5). Yet, once the US conquered and colonized former Spanish colonies (Mexico, Puerto Rico, Philippines and Cuba) and in order to justify the neo-colonial exploitation of Latin and South America, the US adopted the Spanish model of colonialism as its racial strategy for Latina/os. According to this ideology, Latina/os are mestizos (racial hybrids) tainted by African and Indian inferiority. With this strategy, some elite Latina/o individuals are granted *honorary white* status—at least for a time—as a way of separating the elites and co-opting them in the exploitation of the masses, and particularly to separate them from the most vulnerable Latina/os. So those Latina/os who are better educated, speak English without an accent, are economically advantaged, who often have lighter skin tones, and in other ways are more “comfortable” for Whites, are encouraged to think of themselves only as individuals, co-opted into identifying with White society and abandon the interests of Latino communities.

The racial ideology applied to Asian Americans defined them as racial inferiors undeserving of US citizenship and full incorporation into US society. This allowed Whites to exploit the labor and resources of Asian immigrants while denying them citizenship and the full participation in the legal, social and economic systems of society. This status of perpetual foreigner keeps Asian American communities vulnerable and marginalized from the US mainstream as well as using them as scapegoats during times of economic uncertainty and social unrest.

1492-1790 European Colonialism and the Roots US Nation Building

It is instructive to look at specific laws in order to detect how the various racial strategies emerged, beginning in what is commonly called the *colonial* period of the United States. A lot of people think the colonial period ended with the Revolutionary War, but that obfuscates who the original colonized people are in the US—Native Americans, for whom the colonial period has never ended, and who continue to be a colonized people today (Ross, 11-12).

In the beginning... after the Revolutionary War, the United States was a *rogue* nation, having broken away from England, one of the greatest imperial powers on the planet. The new *Americans* were anxious to establish themselves as an independent and sovereign nation and so set about beginning to do the things that sovereign nations do, these include establishing an economic base, defining who is and is not a citizen of the country and negotiating relationships (trade, military, etc) with other free and sovereign nations, through the process of treaty making. Another important function of sovereign nations is developing fundamental legal documents like the Constitution, and to define who can and cannot be a citizen. The economic foundations of the United States had already been

forged by the end of the Revolutionary War, on land stolen from Native Americans and through the forced labor of enslaved Africans. The first Congress of the United States (1789-1791) decided the citizenship question during its second session; the first law defining US citizenship, the Naturalization Law of 1790 specified that naturalized citizenship be reserved for “any alien, being a free *white* person.” This law remained in effect until 1952. Though in 1870, after the Civil War, Black citizenship became possible, though in practice, it was a second class citizenship at best (Takaki, 79-80 and U.S. Citizenship and Immigration Services (1) and Wikipedia (1)).

Treaty making was and continues to be the established way in which relationships are negotiated and maintained between independent and sovereign nations. At the time the US was beginning to establish itself, treaty making had historically been done in Europe between the European monarchs, and in the Americas the European monarchs had also made treaties with the Indian Nations on the east coast of what became the United States. The new Americans were anxious to continue this tradition and so very early entered into treaties with various Indian tribes. The Treaty with the Delaware in 1778 was ratified even before the Treaty of Paris of 1783 which ended the Revolutionary War. In addition, Native nations held the balance of military power along the western border of the new United States and so to protect its White citizens, treaties were more important to the United States than to Indian Nations (Robbins in Jaimes, 89-90).

The US Constitution defines treaties as binding agreements between two sovereign nations and states that they are “the supreme law of the land.” One of the crucial treaties for the newly created United States came just one year after the end of the Revolution with the 1784 Fort Stanwix Treaty with the Haudenosaunee (Iroquois) Confederacy (or Six Nations; Onondaga, Mohawk, Oneida, Cayuga, Seneca and Tuscarora). The Confederacy was very powerful and four of the tribes, Mohawks, Senecas, Cayugas, and Onondagas, allied with the British during the Revolution so the United States was very anxious to make treaties with the Confederacy in order to insure the safety of the Whites and to delineate the borders of the newly constructed United States of America (Churchill in Jaimes, 152). Thus, in the early days of the new United States, it was through mutual agreement evidenced by treaties that the US was a nation apart from the Native American nations with which it co-existed as co-equals.

Slavery was one of the most profound dynamics of oppression during this period that dramatically contributed to US Nation building and to the building of the US economy. The issues of slavery and the slave trade were intentionally avoided in the Declaration of Independence. In the Constitution of the United States, as a concession to the Southern states that had sparse White, but large Black populations, the 3/5 Doctrine was created for the purpose of determining White representation in the House of Representatives, Black slaves in the South were counted as 3/5 of a human being. Not because they would get rights or representation, but because it was a way for wealthy White southerners to gain more power in the US Congress.

In addition, a whole set of laws codifies differential treatment for Blacks and Whites which kept poor Blacks and Whites from joining their struggles, for example the punishment for runaway White indentured servants was considerably less than the punishment for Black runaway slaves (Takaki, 56). These punishment laws had deep roots in the legal statutes of the British Colonies, for example, murder of a slave by a master in the course of punishment was not considered murder, in 1705 the Virginia Colony Slave Codes, Chapter 34 provided that a master who killed his slave in an attempt to correct the slave would not be held to have committed a felony:

XXXIV. And if any slave resist his master, or owner, or other person, by his or her order, correcting such slave, and shall happen to be killed in such correction, it shall not be accounted felony; but the master, owner and every such other person so giving correction, shall be free and acquit of all punishment and accusation for the same, as if such accident had never happened.

These racially disparate sentencing laws persist today, one example being the differences between sentences for crack cocaine convictions which are longer than sentences for powdered cocaine convictions. Crack cocaine tends to be a drug of choice for poor Blacks while powdered cocaine is the choice of middle class Whites.

In 1706 the colonial government of New York Colony further clarified its earlier position by declaring that the baptism of a slave did not entitle said slave to freedom:

Be it Enacted by the Governr Council and Assembly and it is hereby Enacted by the authority of the same, That the Baptizing of any Negro, Indian or Mulatto Slave shall not be any Cause reason for the setting them or any of them at Liberty.

This is one of the defining characteristics of slavery as it evolved in the United States. In Europe, Christians could not enslave Christians, yet in the US Christianity was specifically used as a tool to control enslaved blacks. For example, slave owners invoked biblical passages that exhorted slaves to “obey thy masters.” [citation](#)

What emerged from this is the racial strategy that Blacks are social, political and moral inferiors to Whites, in order to create a perpetual pool of free and cheap labor, and the means to ensure the continued segregated reality of the United States.

1790-1954 US Apartheid, Colonialism and Neo-Colonialism

Over time as European immigration increased and the US population grew, the balance of power shifted, The Haudenosaunee, and other tribes became militarily vulnerable and the United States violated treaty agreed borders and encroached on Indian territory and other treaty rights. The United States unilaterally abrogated the treaties. This is illegal by US law (Robbins in Jaimes, 91). In 1824, the US established the Bureau of Indian Affairs in the War Department, clearly signaling that its intent toward Native Peoples was to subdue them through wars of conquest, not treat them as co-equal nations (Ross, 16-17). Through a strategy of conquest and genocide, the US maintained an apartheid state that alienated, exploited and oppressed Native American peoples.

One significant example is the series of treaty breaking events that led up to Cherokee Removal and the Trail of Tears. The United States entered into dozens of treaties with the Cherokee and their related tribes, known to the US as the *Five Civilized Tribes*. The Cherokee believed they were immune to the racist tendencies of the US and that the US was their ally. The Cherokee had adopted many European customs, including formal education, written language, newspapers, some even owned Black slaves. But when gold was discovered on Cherokee land in 1829, they quickly found out the US was not the friend they thought it was (Nies, 242-251).

The state of Georgia refused to honor the federal treaties with the Cherokee and passed its own state law to take over jurisdiction of Cherokee land. Georgia even passed a law making it illegal to be Cherokee in the state of Georgia. These and other laws made it impossible for the Cherokee to defend their treaty protected homeland, of course this was all very illegal, but President Andrew

Jackson did not want the treaties to be enforced. The Cherokee took their cases all the way to the Supreme Court, and lost. Because by time they got there, there was already a bill going through Congress that in 1830 was passed as the Indian Removal Act. Thus paving the way for the Cherokee to be forcefully removed from their homeland to the so-called new *Indian Territory* which was established in what is today Oklahoma; a policy framework originally crafted by non-other than Thomas Jefferson (Nies, 242-251).

But it wasn't just Indian treaties that were abrogated in this way. When the United States entered into the Treaty of Guadalupe Hidalgo, which ended the US war with Mexico in 1848, the US acquired half the landmass of Mexico. But the treaty also established Mexican cultural and religious norms in the new territory and guaranteed the former Mexicans living in the territory all the rights and privileges of US citizenship. Gradually, over time, as White US citizens moved into these former Mexican territories, the rights and privileges of the former Mexicans eroded, disappeared and the cultural norms became Anglo-American. Once the territories had a significant White majorities (instead of Indian or Mexican majorities) the territories became states, and the constitutions and laws of these states directly contradicted and violated components of the Treaty of Guadalupe Hidalgo. Most of the former Mexicans lost their treaty guaranteed rights of citizenship, land and resources in these new states (Acuna, 53-56). Apartheid citizenship for Whites only was reinstated.

Before the Civil War Blacks attempted to access the US legal system both to end their enslavement as well as to assert various other civil and property rights. In 1857, Dred Scott (a Black slave) was not allowed to sue in federal court for his freedom because access to the courts is predicated on citizenship, The Dred Scott Decision held that Scott and all other Blacks—free and enslaved—could never be citizens because they were “a subordinate and inferior class of beings” (Haney Lopez, 40). This ruling was invalidated by the Civil Rights Act of 1866.

The years immediately after the Civil War and the end of slavery, was the period of Reconstruction in the south and federal troops were used to protect the rights of the newly freed slaves (Zinn,193-194). During this time numerous Blacks were elected to local offices, state legislatures and to the US Congress. Between 1870 and 1901, a total of 19 African Americans served in the US House of Representatives and two in the US Senate (Higginbotham). During the late 1860's and early 1870's numerous laws were passed protecting the rights of Black citizens. This culminated in 1875 with the passage of a Civil Rights Act, outlawing the exclusion of Blacks in public accommodations. Yet these hard won gains were lost again once the federal troops were removed from the south as a result of the Compromise of 1877. The 1876 presidential election was contested by three southern states. Rutherford B. Hayes, promised to remove the troops from the south and end Reconstruction in return for the electoral college votes he needed to be elected president. Some refer to this as the Corrupt Bargain, Regardless of the name, the result was to reinforce white supremacy (Wikipedia (2)). In 1883 the Supreme Court nullified the Civil Rights Act and in 1896 the court ruled on Plessy v Ferguson, the separate-but-equal doctrine, that returned many Blacks to a state of de facto slavery, and reaffirmed the US policy of legal apartheid (Zinn,193-194 and 199-205). It also paved the way for the rise of the Ku Klux Klan, Night Riders, and the harassment and violence (including lynching and Jim Crow laws) that were wrought on African American communities; as well as economic exploitation through share cropping, etc.

In 1901 North Carolina Representative George White was the last of the African Americans of this era to leave Congress. In his farewell address on January 29, 1901 he said:

This, Mr. Chairman, is perhaps the Negroes temporary farewell to the American Congress; but let me say, Phoenix-like he will rise up some day and come again. These parting words are in behalf of an outraged, heart broken, bruised and bleeding—but God-fearing people; faithful, industrious, loyal people—rising people, full of potential force (Higginbotham).

Also during this period, the United States determined that it isn't really very efficient or expedient to violate treaties with Indian tribes one at a time, and so we begin to see the wholesale abrogation of treaties with Indians. One of the most profound and devastating of these tactics was the Dawes Act, or the General Allotment Act of 1887. In 1887 there were about 138 million acres of land held by Indian tribes. None of this land was *owned* individually, rather tribes held it collectively and as best they could, tried to maintain their traditional patterns of life on their reduced territories. The Dawes Act imposed individual land ownership on Indian people, but worse than that, with the Dawes Act the United States usurped the power to define who is and who is not Indian. It did so in the following way. Every *US defined* Indian person was to receive their own 160 acres of land from the pool of land formally held collectively by the tribe. But in order to be eligible to receive the land, an Indian had to prove that they were at least *one half* Indian from one single tribe. So if a person could meet this *blood quantum* standard and prove it, they would receive 160 acres, if they couldn't meet it and prove it, they got nothing. This one policy violated hundreds of treaties and reduced the Indian land holdings from 138 million acres to 48 million acres. The so called *surplus* land that resulted from this became some of the land that was given to White settlers through the homestead acts (Jaimes, 125-126).

And let's look at this another way, isn't it interesting that the definition of who is Indian is determined by being one half, but at the same time, there's a whole different definition of who is Black, what's the blood quantum for being Black? One drop, according to the One Drop Rule. In order to understand this, you have to understand what those different racial strategies are about, look for the economic benefits to White society. Native Peoples held large tracts of land and the resources above and below the soil, so in order to get access to that land the racial strategy is get rid of the people, genocide, either by out right killing people or by exercising the power to define identity and decrease the numbers of Indians—or people who could legally identify themselves as Indian. The conservative estimate is that there were 12 million Indigenous people at the time of contact (1492) in what became the United States. A less conservative estimate puts the pre-contact US population as high as 20-50 million (Sardar and Davies, 158). By 1890 when the *Indian Wars* officially ended, the population was 250,000 and in 1900 it was less than 240,000 (Stiffarm and Lane in Jaimes, 27-28 and 36-37). But the strategy for Blacks is to increase the pool of free and cheap labor, therefore, the One Drop Rule, which increases the population of Blacks.

Some other examples of wholesale treaty violations... The Dawes Act was in effect until 1934 when it was replaced by the Indian Reorganization Act (IRA). This act was a unilateral breach of all the US treaties with tribes that guaranteed annuity payments or supplies in exchange for land concessions. What IRA did was to force Indian tribes to reorganize their governments from traditional forms of governance to forms mandated by the United States, if tribes did not do this, they were denied their treaties rights of supplies, and their people would have literally starved to death. IRA established direct colonial rule over tribes following the British colonial model (Robbins in Jaimes, 94-98 and Jaimes, 128).

The next wholesale abrogation came in the form of Termination Policy in effect from 1945-1960, in which the US unilaterally decided to terminate the existence of Indian tribes; to unilaterally decide

that sovereign Indian nations no longer existed, so the US would no longer have any treaty responsibilities to these people. This was simultaneous to the Claims Commission (1946) as a means to financially compensate Indians for territory that had been illegally stolen and a policy of Relocation which began in 1956 to move Indian people from rural reservations to urban areas. All are violations of treaty law (Robbins in Jaimes, 98-99).

During this period of history, apartheid was created for Blacks through slavery and for Indians through warfare and reservations. The other method for creating apartheid in this period was through immigration and naturalization laws. As noted earlier, Black citizenship was made possible by the 1870 Naturalization Act, which specifically excluded Indians and Asians.

Various Asian groups were recruited and brought to the United States as cheap labor. Most notable of these in this time period were the Chinese, who were brought to work on the railroads, farms and in the mines of the western US. Yet, these Chinese workers were allowed to come and work, but then they were supposed to go back home. Only men could come *legally* as workers leaving behind their families and they were never allowed to naturalize as citizens if they did stay, this was codified by the Chinese Exclusion Act of 1882. It singled out Chinese on the basis of race, and excluded them from citizenship (Takaki, 192-200). It should be noted that a lot of young Chinese girls and women were kidnapped, brought here *illegally* (though often with the knowledge and approval of local officials) and forced into the sex trades—but generally they did not live long enough to become an *immigration problem* (Takaki, 211). What emerged was the racial strategy that pertains to Asian peoples, to keep them perpetual foreigners and therefore outside the protection of the Constitution and civil rights. This is another side of legal apartheid.

But the Chinese Exclusion Act went even further to maintain an apartheid US in that it denied any further immigration of Chinese into the United States. And in 1917 (with the 1917 Immigration Act) this ban was extended with the creation of the *Asiatic Barred Zone* and further expanded in 1924 to include all countries in Asia (Ueda, 20) which remained partially in effect even after the passage of the Immigration and Nationality Act of 1952, and was not fully lifted until the Amendments to the act were passed in 1965 (Haney Lopez, 38).

The 1917 Immigration Act also established a literacy test (in English) for all foreigners applying for citizenship (U.S. Citizenship and Immigrations Services website (2)).

The first significant wave of Arab immigration began in 1875 and lasted until 1917 when the US restricted immigration from Arab countries. Like many other immigrants who came to the United States, Arabs were seeking opportunity. Factors in the first immigration were Japanese competition that hurt the Lebanese silk market and a disease that hurt Lebanese vineyards. Most early Arab immigrants were from Lebanon and Syria, and most were Christian. At various times Arabs have been classified as Africans, Asians, Whites, or in a classification of their own (Detroit Free Press website). Arab immigration was curtailed when Congress created the Asiatic Barred Zone in 1917 and expanded it in 1924 to include all of Asia by saying aliens could not immigrate if they could not become citizens, and Asians were denied citizenship by virtue of the 1790 Naturalization Act (Ueda, 20-22 and U.S. Citizenship and Immigrations Services website (2)).

Looking specifically at Naturalization, in the 1922 *Ozawa v US* decision, the Supreme Court declared that White was synonymous with Caucasian, and that Ozawa, a light skinned Japanese, was ineligible for naturalized citizenship even though he qualified for citizenship in every way but being

White. This ruling was applied to the citizenship appeals of all Japanese people (Haney Lopez, 7-8, 92-95).

In the 1923 decision (just a few months later) *US v Bhagat Singh Thind*, the Supreme Court ruled that Asian Indians were ineligible for naturalized citizenship. Arguing that the definition of race was based on the “understanding of the common man,” the court held that the term “White person” meant an immigrant from Northern or Western Europe. The law does not employ the word “Caucasian,” but instead uses the words “white persons.” Thus, Asian Indians, though considered Caucasian, were not commonly known to be White, therefore making them ineligible for US citizenship (Haney Lopez, 7-8, 92-95). This ruling negated the decisions in cases *US v Balsara* (1910) and *Ajkoy Kumar Mazumdar* (1913). Shortly after the *Thind* decision, federal authorities cancelled the citizenship of all previously naturalized Asian Indians (Haney Lopez, 243).

The colonization of Hawai'i began in 1778, first by British explorers and then by the United States. The estimated population of the Hawaiian Islands at the time of contact is one million persons, by 1890 the Native Hawaiian population was 40,000. A combination of religious and economic forces enabled aggressive Americans to enter the government and the Hawaiian economy. American business interests plagued the Hawaiian king and chiefs with requests for private property and land tenure. Once establishing a foot-hold and economic base (primarily pineapple and whaling) in the country, US business interests became the interests of the US government and military. Disputes between the legitimate Native Hawaiian government and US business interests were quickly settled through the intervention of US troops. President Grover Cleveland thwarted attempts by US businessmen to annex Hawai'i to the US as early as 1863. Undaunted, the Whites overthrew the Hawaiian monarchy, imprisoned Queen Lili'uokalani, and created an all White oligarchy euphemistically called, the Republic of Hawai'i. Once William McKinley was elected president, the road to annexation to the US was assured. However, this was not done by a treaty of annexation, which would have been the *legal* means because McKinley and his cronies knew there was not enough support in Congress for the needed 2/3 majority (what with Hawai'i's “mongrel colored” population and all) Nor would the population of the islands have agreed to such a treaty. So instead, a vote was taken on a *joint resolution* of Congress, which required only a simple majority and no vote was ever taken in Hawai'i. Thus, in 1898, Hawai'i (illegally, according to US law) became a territory of the United States, and “a militarized outpost of empire” (Trask, 4-17).

In 1898, the US also won the Spanish American War and acquired Puerto Rico. The 1900 Foraker Act declared the island a territory of the US, authorized the US President to appoint its civilian governor and top administrators, reserved for the US Congress the right to annul any laws the Puerto Rican House of Delegates passed, assigned trade, treaty, postal, sanitary and military powers to the US federal government and gave the island one non-voting delegate to the US Congress. It forbade all commercial treaties with other countries (except the US) and replaced the Puerto Rican peso with the US dollar and devalued the Puerto Rican peso which made it easy for US sugar companies to steal Puerto Rican owned lands and destroy the independent Puerto Rican coffee growers (Gonzalez, 60).

The economic interests of US corporations in Puerto Rico have consistently been protected by US law, making Puerto Rico a US colony by the traditional definition. In the early 1900's the Supreme Court ruled on the Insular Cases which provided the principal legal backing for the US holding of colonies to the present day. 1901 *Downes v Bidwell* was a pivotal decision of the Insular Cases, its findings state, *The island of Puerto Rico is a territory appurtenant and belonging to the US, but not a part of the*

U.S. and without the revenue clauses of the Constitution (Gonzalez, 61). Basically, the Constitution and the rights it guarantees do not apply to Puerto Ricans. This decision is the Puerto Rican equivalent of the Dred Scott Decision.

In 1917 the Jones Act imposed citizenship on Puerto Ricans over the unanimous objection of the House of Delegates. While Puerto Ricans have never been granted the fullness of their citizenship rights, because of the Jones Act, many Puerto Rican men were conscripted to serve in the US military during World War 1 and subsequent wars and US military actions.

By 1947 Puerto Rico was a Free Trade Zone. According to IRS Section 936, income of U.S. companies doing business in Puerto Rico was exempted from federal taxes, which further devastated the already weakened native Puerto Rican economy (Gonzalez, 232-233).

After the Spanish American War, the Philippines also became a “possession” of the United States, and was profoundly exploited by US corporations during its period of US colonial occupation. The 1934 passage of the Tydings-McDuffie Act provided for a ten-year transition period to independence, during which the Commonwealth of the Philippines would be established. The commonwealth would have its own constitution and would be self-governing, although foreign policy would be the responsibility of the United States. Laws passed by the legislature affecting immigration, foreign trade, and the currency system had to be approved by the United States president (Los-Indios-Bravos website).

If the Tydings-McDuffie Act marked a new stage in Filipino-American relations, it remained a highly unequal one. Although only fifty Filipino immigrants were allowed into the United States annually under the arrangement, American entry and residence in the islands were unrestricted. Trade provisions of the act allowed for five years' free entry of Philippine goods during the transition period and five years of gradually steepening tariff duties thereafter, reaching 100 percent in 1946, whereas United States goods could enter the islands unrestricted and duty free during the full ten years. The United States continues to retain a naval reservation and fueling stations in the Philippines (Los-Indios-Bravos website).

In addition to the outright colonial expansion of the United States in the classic sense. This period of time is also defined by *neo-colonialism*, a new form of imperial conquest that does not require actually taking possession of another people's land, rather conquest is achieved through the invasion of the people's economic, political and cultural life. the outcome is the same as with classic colonialism, People of Color are exploited, dispossessed of their land and resources, and their traditional cultures stripped from them. The neo-colonial dynamic was demonstrated time and again during this period, particularly in Latin American and South American countries, many which came to be known as *Banana Republics*, where US interests were synonymous with US corporate interests.

Ever since Mexican independence in 1821, when Mexico ceased being a colony of a European country and became a nation of *Mestizos* and *Indios*, the United States felt justified in stealing Mexican land. However, in addition to outright imperialism, the US also engaged in neo-colonial practices in Mexico as well. One of the most significant and ongoing practices of exploitation engaged by the US is the use and abuse of Mexican workers.

After 1900 in Mexico, there was an extensive movement of workers from rural areas to the urban centers, including immigration to *El Norte*. Dispossessed of their land, through unscrupulous land

speculators and victimized by nation-wide depressed economic conditions, Mexican workers entered the US labor market in what has become an endless cycle of US recruiting workers and then “repatriating” them before they could establish an economic or political base in the US. At various times, the US has exploited both US and Mexican workers by deliberately oversupplying the labor market with Mexican workers, keeping wages down for all workers. In addition Mexican workers were particularly vulnerable because they were denied citizenship and the Constitutional protections citizenship provided (Takaki, 321-22).

One such labor recruitment program existed from 1942-1964. The US had a shortage of low wage, stoop labor, as a result of military service and the internment of Japanese workers during World War II. The solution was to recruit Mexicans to fill this need. This was known as the *Braceros Program* and the supply of workers was negotiated directly with the Mexican government with the idea that when the US was done with them, the Mexican workers would be sent back home. Over six million Mexicans came to work in the US through this program. At this same time in 1954, the US initiated *Operation Wetback*, in which 1 million Mexicans and *Mexican Americans* were rounded up and deported back to Mexico (Acuna, 285). There were numerous other abuses of the agreement by the US and to this day, former Braceros have outstanding claims against the United States for unpaid wages.

(citation)

World War II brought about numerous opportunities for the US to show its racist underbelly. In 1942, following the bombing of Pearl Harbor, Executive Order 9066 commanded the detainment of World War II *enemy aliens*. This Executive Order originally included the detainment of Germans and Italians, but was only ever applied broadly to Japanese Americans and Japanese living on the west coast of the US (and to some Aleuts in Alaska) but not to Japanese or Japanese Americans living in Hawaii and only rarely to individual Italians and Germans. Referring to this action, Lieutenant General John L. De Witt, in charge of the western defense said

You needn't worry about the Italians at all except in certain cases. Also, the same for the Germans except for individual cases. But we must worry about the Japanese all the time until he is wiped off the map (Wu, 99).

The 120,000 Japanese and Japanese Americans on the west coast were particularly vulnerable because they tended to live in isolated communities, their labor was not needed in the mainstream economy and perhaps, most significantly, their farms and produce businesses gave strong competition to their White counterparts. The forced internment of thousands of Japanese and Japanese Americans destroyed not only individual lives, but well established Japanese American communities and businesses and resulted in uncounted economic loss. At the same time, 33,000 Japanese Americans served in the US armed forces during the war, many of them in military intelligence, many of them with distinction (Takaki, 380-383 and Wu, 95-102).

In 1950, President Truman appointed Dillon Meyer as Commissioner of Indian Affairs, Meyer had been in charge of Japanese internment camps during WWII. It was Meyer who carried out US Termination Policy (see page 12) against Indian tribes (Nies, 306, 352, 356).

The aftermath of World War II is also rich with illustrations of how deeply embedded racism is in our institutions. The GI Bill (formally known as the Servicemen's Readjustment Act of 1944) is often touted as one of the defining social and economic factors of the 20th century, it is even credited with creating the US middle class. Originally enacted to assist returning World War II veterans re-enter the US economy and to stave off the potential return of the pre-war economic

depression, the GI Bill has become a standard benefit to men and women who complete military service. Though current service personnel experience nowhere near the benefits the first recipients of the GI Bill received. From 1944-1949, benefits included \$4 billion in unemployment benefits to 9 million vets, from 1944-1956, 10 million vets received educational and vocational training benefits, and from 1944-1962 \$50 billion in home, farm and small business loans, guaranteed by the federal government, and below the prevailing interest rate were made to veterans. It has been estimated that home ownership during this period doubled (from 1 in 3 Americans owning their own home to 2 in 3) because of the federally guaranteed, low interest home loans (Houghton Mifflin Company website).

Unfortunately not all veterans could claim the benefits to which they were entitled. Some scholars cite the GI Bill as being one of the main factors contributing to the widening gap in the 20th century between Black and White economic achievement. So while White veterans and their families greatly benefited from military service, Black veterans and their families were not able to participate and fell even further behind economically (Onkst).

While the government may not have *intended* to deprive Black veterans of their benefits, because the benefits were administered at the local level, in a totally and legally segregated society, with very little oversight by or accountability to the federal government, how hard could it have been to predict that Blacks, and other veterans who were People of Color, would be cheated out of what was due to them? So Black vets could not get past the White gatekeepers in order to access their benefits. Abuses were particularly wide spread in the south (Onkst).

Most Blacks could not access their education benefits, for example, because colleges and universities were still racially segregated, a large number of Black veterans were admitted to the historically Black colleges, but these schools lacked the infrastructure to accommodate all the veterans who desired and were qualified for admission. The home, farm and small business loans were administered through local banks, and guaranteed by the federal government, that is the government acted as a co-signer to the loan. Most banks and financial institutions did not lend to Blacks. Job training benefits were denied because the White program administrators refused to place Black veterans in apprenticeship positions, even when the business specifically requested a Black worker. Unemployment benefits were denied because White bureaucrats would steer Black veterans into available menial and manual labor jobs rather than certifying their unemployment claims, filling the low paying jobs with Black veterans and allowing White veterans to claim unemployment benefits for up to one year and wait for higher paying jobs or educational opportunities to open up (Onkst).

Much of the low cost housing that was built for returning veterans and paid for by federally subsidized VA loans was built in the suburbs, consequently the post war suburbs began their existence as all White enclaves, leaving Blacks in the inner city urban or rural farming areas. Many of these new suburbs included *restrictive covenants* which dictated, by race, who a home owner could and could not sell their property to. That maintained the suburbs as White enclaves for decades, until through Civil Rights legislation it became illegal to do so. But, undeterred, White real estate speculators would find other methods to keep US neighborhoods racially segregated.

Post World War II was a complex time for Arabs world wide, this is the time period of the second wave of Arab immigration to the United States. This time it was not for economic reasons as much as because of the Arab-Israeli conflict and civil war. This meant that people came from many more places. The second immigration also had many more people who practiced Islam, a religion that was

not as familiar in the United States. Immigrants in this group tended to be more financially secure when they arrived than people who had come earlier for economic opportunity. Many people in the second wave were students (Detroit Free Press website). Following the 1967 Arab-Israeli Six Day War in which Egypt blocked Israeli access to the Gulf of Aqaba. Israel retaliated by capturing Sinai, the West Bank and Golan Height (Nies, 366), Arab-American life in the United States became more complicated and difficult as US support for Israel mounted.

1952 The Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act, nullified the 1790 Naturalization Act and for the first time *race* was not a legal impediment to naturalized citizenship (Takaki, 400 and U.S. Citizenship and Immigration Services website), though initially McCarran-Walter left in place the racialized “national origin quotas” determining immigration eligibility until it was amended in 1965. But McCarran-Walter was still a big problem for People of Color because it also created a long list of grounds on which “aliens” could be excluded or deported and the procedure for admitting Asians continued to be complex. The result was there continued to be differential immigration. But even more insidious was the fear McCarran-Walter caused among immigrant workers making it one of the most powerful tools for strike busting and keeping labor unions segregated. It greatly restricted the ability of immigrants to organize workers, thereby maintaining low wages for immigrant workers and especially People of Color (Acuna, 301-302).

And that brings us to 1954, *Brown v Board of Education*, one of the most significant building blocks for ending legal segregation and apartheid in the United States. It became the foundation upon which the 1964 Civil Rights Act was built, prohibiting discrimination in employment and public accommodations on the grounds of race, gender, and national origin. And also the 1965 Voting Rights Act which assured People of Color access to the ballot box and ultimately to a variety of state and federal public offices (Higginbotham).

1954-1973 Movement Time

Typical of this period were strategies to maintain racial segregation, in defiance of Civil Rights Law. The area of housing is illustrative:

Steering, where real estate agents will only show prospective buyers *some* of the available housing stock, namely the houses located in neighborhoods where other people of the buyers race already live.

Redlining, in its original incarnation banks (and other institutions) would literally draw a red line around a neighborhood and say, “We will not make any mortgage or home improvement loans in this area because that’s where People of Color live.” This became technically illegal in the post Civil Rights era. These laws were not consistently enforced between 1948 and the 1970s and redlining persists today by excluding *certain* zip codes, or with the advent of caller ID, by excluding *certain* phone number exchanges. This also works for service providers. In *some* neighborhoods it’s nearly impossible to get a taxi or pizza delivery. And in *some* neighborhoods the cost of home owners and car insurance is through the roof!

Block busting, is way to exploit a community that is in transition. A real estate speculator goes to a home owner in a White neighborhood and convinces them to sell their home below market value to the speculator because, “They’re moving in,” meaning People of Color are

beginning to move into the area and the assumption is property values will decline as a result. The speculator then goes to a Person of Color home owner in another neighborhood and sells the home to them at a premium. Then the process is repeated over and over until the racial make-up of the neighborhood has changed and the speculator has made tons of money.

Many activists and People of Color refer to *urban renewal* as *Negro removal*; it is also called *gentrification*. In urban areas, city governments provide incentives for businesses and land speculators to begin operating in *depressed* (as in People of Color) neighborhoods. The existing small businesses already located in these neighborhoods cannot compete with the new businesses with all their special incentives and tax breaks. In many cases the new businesses are not even intended to serve the people in the existing neighborhood, but still the existing business have to compete for rental space and services with the new businesses. In addition, land speculators begin to sell real estate to people from outside the community as *affordable housing*, the prices being higher than the existing residents can afford to pay, but lower than what the outsiders could find elsewhere. Eventually, the existing neighborhood is displaced, and a whole new (White) population has moved in. In addition poor People of Color neighborhoods are labeled as urban blights, land is taken over through eminent domain processes, homes are torn down and new “cultural establishments” are built in their place. In this way many cities have found space for theatres, museums, convention centers and stadiums, while the people who formerly lived there are displaced and their neighborhoods and communities are disrupted and destroyed.

After World War II, the United States government, with its nuclear weapons capability, became increasingly obsessed with “The Red Scare” and the potential for the world-wide spread of communism. The interstate highway system was initially a military spending project, part of the huge build up of the military budget. While the US nuclear arsenal included missiles located throughout the US in stationery silos, the government feared those silos would be easy targets for Soviet missiles and so a mobile nuclear arsenal was also created. The rationale was to keep nuclear warheads moving around so they could be preserved in a nuclear attack and available to be used in a counter strike. Originally constructed to permit safe and efficient movement of mobile nuclear warheads the interstate highways also contributed greatly to the physical and economic growth of the suburbs and the demise of urban areas as business and residential centers.

One way this happened was because the highways were never intended to serve inner city neighborhoods, they were built in complete disregard to the needs of the people in these neighborhoods. They did not facilitate the residents’ ability to get to places where local jobs were available, and they often passed directly through (or over) the middle of poor neighborhoods, dangerously and inconveniently dividing the neighborhood, and decreasing local access.

In addition the highways allowed the newly created white collar, middle class to commute to urban employment, further decreasing the number of well paying jobs available to People of Color who actually continued living in the urban centers. And the highways also allowed business to relocate from the urban centers to the suburbs. This period is characterized by the deindustrialization of the US, as production facilities increasingly relocated over seas in pursuit of lower production wages. Management became physically far removed from production as the higher paying management and technical positions remained in the US, this allowed businesses to move to the suburbs in the 1950-80’s where real estate prices were lower and tax advantages were greater than in urban areas. This created an even larger gap between urban and suburban economies. During this period 71% of

Blacks lived in urban areas, 66% of White lived in suburbs (Takaki, 413). Previous well paying industrial and skilled labor jobs vanished from the cities and if they were replaced, it was by low paying, low skill service industry jobs.

Although it sounds good, and it did bring an end to Termination, the American Indian Civil Rights Act of 1968, ultimately was a co-optation and further erosion of tribal sovereignty by bringing Indian Reorganization Act (IRA) tribal governments into the federal system of US government. Current civics texts in the United States describe the federal system as having three branches of government, in reality, since 1968 there are actually four; executive, legislative, judicial and *tribal*. The purpose of the Act was to make it even more difficult for tribal governments to maintain tribal sovereignty and treaty rights by making tribal governments part of the very foreign government that had invaded them in the first place (Churchill and Morris in Jaimes, 16 and Robbins in Jaimes, 102)

Through the 1960s and 1970s, Indian people were very busy fighting not only massive erosion of sovereignty through wholesale treaty abrogation by the federal government, but were also engaged in numerous local, state and federal struggles to defend their specific treaty rights, as well. These struggles were as diverse as the treaty rights they defended, but looking at one set of struggles pertaining to subsistence rights, gives us a sense of what was going on. These cases are collectively known as the “Fishing Wars,” and were primarily located in the Pacific Northwest and the Great Lakes regions of the United States. In these regions, Indian people were guaranteed, through treaties, the right to hunt and fish in their, “usual and accustomed places.” It is important to understand that while the day-to-day reality of these cases was to put food on the tables of Indian families, the larger issue at stake is the maintenance of traditional indigenous economies, which has important implications for maintaining collective identity and keeping tribal people together (The Institute for Natural Progress in Jaimes, 217-239).

Over time, Indians had experienced gradual erosion of their fishing rights, as well as the decline of their catches, through the passage of state and local fishing regulations, encroachment by the commercial and sports fishing industries and environmental degradation. Eventually tribes in both areas took their cases to the courts. As the cases worked their way through the legal processes, Indians found themselves faced with an increasingly hostile legal and social environment. The media played a major role by dis-informing the public and playing on widely held racist attitudes. It got so bad in both the Pacific Northwest and the Great Lakes, that Indians were forced to face down violent and armed White vigilantes. Eventually many of these cases were successful in the courts, and people’s fishing rights have been maintained, but the struggle is never ending. People continue to experience incremental and wholesale infringements of their rights, and environmental pollution and poor resource conservation continue to undermine traditional indigenous economies (The Institute for Natural Progress in Jaimes, 217-239).

We cannot leave this period without talking about COINTELPRO. People often wonder why the Civil Rights Era or Movement Time came to an end. It wasn’t because the need for it ended, because we had finally achieved “justice for all” and it didn’t end by accident. The peoples’ movements were intentionally destroyed by the US government. COINTELPRO was created in 1954 as a clandestine program of the FBI under J. Edgar Hoover. Its full name was Counter Intelligence Program, and its mission was to destroy domestic groups that were protesting and organizing opposition to US domestic (and eventually foreign) policies and practices. All the People of Color resistance organizations were targets, as was the anti-Vietnam War peace movement

(Churchill in Molina, 197-207). From 1956-1971, 295 separate actions were taken against Black activist groups alone (Zinn, 455).

The groups were infiltrated by FBI sponsored *agents provocateur* who would disrupt and disorganize the targeted groups from the inside. Individual leaders, like Martin Luther King, Jr. and Angela Davis were discredited through these campaigns and movement leaders were turned against one another. The result was that the resistance organizations were demonized and distanced from the people for whom they were fighting, and branded as terrorists, militants and insurgents by the government, media and larger public. This then justified the government and local law enforcement agencies to take action against the groups destroying their infrastructure and criminalizing their leaders and members. Outright murder was an acceptable tool of COINTELPRO operations, Fred Hampton, Mark Clark and Zayd Shakur were among the victims. COINTELPRO *officially* continued until 1971, when it was exposed and purportedly dismantled, but FBI records indicate the American Indian Movement did not come under intense COINTELPRO activity until after 1971 and there is convincing evidence that COINTELPRO operations continue within resistance movements today (Churchill in Molina, 208).

A second powerful destructive force to the Peoples Movements of this time period was the US Secret War in Laos (1955-1974). This was part of the Vietnam Conflict. Laos was declared an independent state by the Geneva Conference in 1954, and as such the United States was not able to locate troops in Laos. Yet the country was a strategic imperative for the US in its war against the “communist scourge” (Zepezauer). Part of the Ho Chi Minh Trail, and important Viet Cong supply line ran through a portion of the country. Instead of sending US troops, the US recruited “soldiers” from the Hmong hill tribes, some of these “soldiers” were only 8 and 9 years old. In return for fighting, the Hmong were promised sanctuary in the United States when the war was over. By the end of the war the Hmong population was reduced from 300,000 to 125,000, the people had been murdered, attacked, starved, and captured (Lee Her in interview with PaKou Her).

The Hmong had for many centuries grown opium and it was an important cash crop for them. The CIA began processing the raw opium and trafficking heroin by recruiting Hmong military leaders, notably General Vang Pao (McCoy). Much of this heroin ended up in People of Color communities that were engaged in Civil Rights and other struggles of liberation, further destroying cohesion, vitality and organizing efforts in these communities.

1973-present Post Movement Time

Here we see how the structured legal racism of the past has become self perpetuating even though new laws were enacted to redress past injustice. Examples: American Indian Religious Freedom Act (1978) and American Indian Child Welfare Act (1978) (Churchill and Morris in Jaimes, 17) that are on the books to protect Indian people but which have no teeth to enforce them and so they are not enforced, in fact most people working in child welfare services don't even know AICWA exists. AIRFA too has been used to challenge restrictions on Native Religions and especially to protect sacred sites, but it has not been effective in doing so. One example of this is *Lyng v North West Indian Cemetery Protection Association*, 1988 in which the Supreme Court determined that “to destroy a religion does not unfairly burden that religion according to the free exercise clause.” (Deloria in Jaimes, 275-287, [Lyng Decision citation](#)).

This period of history is marked by several powerful economic trends. First is the tacit acceptance of a permanent underclass, that is predominantly made up of People of Color who face the persistence

of intergenerational poverty and increasing unemployment. Using statistics for Black families and White families during this period illustrate this point. There was a dramatic rise in female-headed families. In 1960, 20% of Black families were female-headed, but that climbed to 40% by 1980. For White families, the percentages are 8% in 1960 and 12% in 1980. In 1980 Blacks were 12% of the population but 43% of all families receiving welfare (Takaki, 411).

Unemployment was particularly devastating to young Black men, from 1968 to 1980 the unemployment rate of Black men between the ages of 20-24 increased from 13% to 22% while during the same period of time the rate for their White cohort only increased from 8% to 11%. In 1980, 72% of Black men between the ages of 20-24 were unemployed, employed part-time or working full time earning below poverty wages. The equivalent for White men of the same age was 36% (Takaki, 412).

This created a real double bind for Black women who generally had less education and lower job skills than Black men. Welfare, low wages, inadequate child care, poor transportation, lack of affordable housing and political disenfranchisement fueled the cycle of inter-generational poverty and guaranteed a permanent Black underclass (Takaki, 411-414).

The second trend exacerbated the first, that is Reaganomics. Many of the problems perpetuated by Reaganomics resulted from shifting federal spending away from “poverty” or “entitlement” programs into military expenditures. Reaganomics is synonymous with the Cold War economy, the strategic nuclear weapons program generated enormous federal spending deficits as defense expenditures under Reagan doubled from \$134 billion in 1980 to \$282 billion in 1987. Sixty cents of every tax dollar collected was funneled in to the defense budget (Takaki, 417).

From 1981-1985 defense spending increased by \$35 billion. In the same period spending for food stamps and other entitlements decreased by \$30 billion. Since 1955, 62% of federal research funding has been for Cold War weaponry, at a cost of over one trillion dollars. This drain on national resources undermined our national ability to produce competitive consumer goods, so not only were US companies shipping jobs overseas, but trade imbalances also ensued. The lack of research and development in the commercial sector, contributed to the US inability to compete in commercial manufacturing and as commercial manufacturing declined in the US, even greater job loss resulted (Takaki, 417).

A third trend during this period is the rise of the Prison Industrial Complex and the criminalization and disenfranchisement of people of color. In the late 1960s and 1970s, the federal budget allocated money to build airports and provide technical education, today, those funds are spent on prisons. The following statistics demonstrate the increase of men of color incarcerated over the last several decades. 1973—12%, 1985—25%, 1995—33% of young men of color incarcerated or otherwise involved with the criminal justice system. Within the next ten years, 50% of young men of color (and growing numbers of young women of color) will be in some way involved in the criminal justice system.

Currently, the bureaucrats who plan the number of prisons needed 20 years from now, base their calculations on the standardized test scores of fourth graders (Critical Resistance citation). The apparent assumption being that all those who aren't effectively served by the educational system will be served instead by the prison system. This calls into question the assertions about needing standardize testing to improve school performance and teacher accountability.

The social trends of this period are characterized by the “embracing” of multi-cultural diversity coupled with a “color blind” ideology. It seems the US woke up one day and discovered it had a lot of multi-cultural diversity in its midst. Multiculturalism has become a code word for racial diversity. The wake up call probably came at a good time given 80% of new immigrants are either Latina/o or Asian (Takaki, 421). And so US institutions began to “embrace” multicultural diversity. Mandatory diversity and sensitivity trainings are common work place practices. Cultural affinity groups have sprung up in US institutions as have “multicultural tables and desks” to share and celebrate the multitude of cultures in the US. The problem with all this multiculturalism is that it never takes into account the inequities created by power; that not all members of the multicultural table are equal participants in institutional and cultural power. Nor does it take into consideration that it is the White institution that owns and dominates the multicultural table. So what we really end up with is *racist* multicultural diversity.

The other thing obfuscated by multiculturalism, is the very existence of *race*. With racist multiculturalism, we are not supposed to see racial diversity at all. Everyone is all the same, we see only humans, or members of the human *race*. This *color-blind ideology* can be very offensive to People of Color, not only because it is not true, but because for many People of Color, their race is one of the things that is special about them and shapes who they are and who their community is. In order to really know someone, you have to understand who they are as a racialized person in this country. This is actually true of White people too. Though this is most often not recognized by Whites, People of Color generally are very aware of a person’s Whiteness and treat them accordingly.

If we, as a society, truly valued multicultural diversity, wouldn’t we welcome or even celebrate a broad diversity of languages spoken in our public and private institutions? Why then are we seeing such a strong English only movement in the United States today? Although the particular target of English only or English first movements appears to be Spanish and is a back lash against the growing Latina/o population in the United States, any non-English speaking community is at risk, and already endangered Native American languages are also threatened by this trend.

One of the precedent cases fueling English only and English first requirements, especially in the workplace is the 1980 case, *Garcia v Gloor*. Hector Garcia was a young Mexican-American who was a salesman for Gloor Lumber and Supply, Inc. Gloor had a workplace rule saying bi-lingual employees had to speak English only, unless they were communicating with a Spanish speaking customer. One day Garcia responded, in Spanish, to a question from another Mexican American worker who had asked about the availability of some inventory. Garcia was fired. And he sued, based on discrimination to his Mexican American heritage which is protected by Title VII of the 1964 Civil Rights Act. He lost. And the U.S. Court of Appeals for the 5th Circuit upheld the lower court ruling saying, “non-observance [of the English only rule] was a matter of choice” because Garcia was bi-lingual (Perea, 447-451).

This court’s decision is particularly interesting in that it is opposed by the Equal Employment Opportunity Commission (Society for Industrial and Organizational Psychology website). The Equal Employment Opportunity Commission is charged with administering Title VII of the Civil Rights Act of 1964, Under the Act, EEOC has the authority to investigate and conciliate charges of discrimination because of race, color, religion, sex, or national origin by employers, unions, employment agencies, and joint apprenticeship or training committees (North Carolina Office of State Personnel website).

The EEOC's position is that a rule requiring bi-lingual employees to only speak English at work is a "burdensome term and condition of employment" that presumably violates Title VII and should be closely scrutinized. 29 C.F.R. § 1606.7(a). Discrimination based on national origin violates Title VII unless national origin is a bona fide occupational qualification (BFOQ) for the job in question. The employer must show that the discriminatory practice is "reasonably necessary to the normal operation of [the] particular business or enterprise." 42 U.S.C. § 2000e-2(e)(1). The courts and the EEOC interpret the BFOQ exception very narrowly. See 29 C.F.R. § 1604.2(a) (HR-Guide.com).

Part of the court's ruling was based on an argument by Gloor, that the English only rule *was* "reasonably necessary" because some customers (who presumably only spoke English) felt uncomfortable when employees spoke Spanish in their presence. Which seems to undermine the whole point of Title VII in the first place. Perea asks, "Can you imagine the courts not upholding a Title VII discrimination case brought by an African American based on an employer saying his or her presence in the workplace made customers feel uncomfortable?" (Perea,449). Courts consistently ignore EEOC guidelines relative to English only discrimination because (according to the rulings) "national origin" cannot be extended to include foreign languages or bi-linguals and because language discrimination is not equated with race discrimination (Perea, 451).

What generally follows English-only initiatives is fairly predictable and we only have to look to California to see where it goes. In 1986, California voters passed Proposition 63, making English the "official" language. Then in 1994, Proposition 187 passed to stem what then Governor Pete Wilson called, "the Mexican invasion." When economic times get tough, the politicians blame politically and economically powerless immigrants. Proposition 187 denied health and education services to undocumented immigrants. Proposition 187 was driven by fear over increased Latina/o and Asian immigration and was fueled by Governor Wilson and the conservative media. Proposition 187 was overwhelmingly passed, only the San Francisco Bay Area voted against it by about 70%. Los Angeles voted in favor by a 12 point margin. Latina/o voters statewide opposed it 77% to 23%. And what about the church? The Catholic Church was strongly against it with Cardinal Mahoney and many priests leading the way, though 58% of White Catholics voted in favor of it. Many Protestant churches were silent (Acuña, 453).

After 187 came Proposition 209 in 1996, which ended the use of affirmative action in California public institutions. This was followed in 1998, by Proposition 227 which ended bilingual education programs in California (Acuña, 454-455). A silver lining poked through in 2003; in spite of a special election that recalled the sitting governor, Gray Davis and elected Arnold Schwarzenegger in his place, Californians voted down a measure that would have prevented California public institutions from gathering and tracking information using racial categories.

According to Frank Wu the statement, "You Asians are doing well", summarizes the Asian Model Minority Myth (Wu, 40) which is the prevailing perception of Asians in the United States. Once the restrictions on Asian immigration were lifted in 1965, there was a significant influx of Asian immigrants, which have more or less enjoyed a good reputation (Wu, 40). So much so, Asian are often held up to other racial minority groups as the standard to achieve (Takaki,414). As Wu describes it the myth goes something like this, "As a group we [Asians] are said to be intelligent, gifted in math and science, polite, hard working, family oriented, law abiding, and successfully entrepreneurial. We [Asians] revere our elders and show fidelity to traditions" (Wu, 40-41). Like many racial stereotypes, there is a hint of truth in the Model Minority Myth, but the problem is that

hint has become exaggerated and distorted (Wu, 49) and the underlying standard by which Asians are measured is the White standard.

When you see statistics about Asian success, they are invariably compared to the corresponding statistics for Whites. When this is done, Asians as a group measure up pretty well. Unfortunately what the statistics don't take into account is that the Asian American population is concentrated in three high cost of living states that also have higher than average incomes than the national average, California, New York and Hawai'i (Takaki, 415 and Wu, 54). In 1990, 60% of Asian Americans, compared to less than 20% of the total US population lived in these three states. Asian American income is unevenly distributed. Looking at the other end of the spectrum we find 13% of Asian Americans in poverty compared to 9% of Whites. Lumping all Asians into a single racial group hides the disparity within the group. Japanese Americans and Chinese Americans come closest to economic parity with Whites. On the other hand, 25% of Vietnamese Americans and 45% of Southeast Asian refugees (such as Hmong and Mien) live in poverty, compared to 23% for Latina/os, 21% for African Americans and 9% for Whites (Wu, 54). Another distortion to the income statistics comes when "family incomes" are used rather than individual incomes. In most Asian families, there are more workers contributing to the family income than in White families (Takaki, 415).

Ultimately the problem with the Model Minority Myth, lies in the very concept. What exactly are Asian Americans supposed to be the models of? There are two possible interpretations, and they are both insulting. First it could mean that Asian American achievement is remarkable, considering they aren't White. Or it could mean that they are "exemplary" and should serve as an ideal to which all other People of Color should strive toward (Wu, 59). Either interpretation is demeaning and destructive, and racist to the core.

The 1988 Congress passed a bill of apology and payment for Japanese Internment. \$20,000 was paid to each survivor, nearly two generations after the end of World War II. Yet, African Americans many more generations later still await some kind of reparations for the years of slavery and the massive accumulation of White wealth created in the United States and Europe (Wu, 102).

In 1996 the Native American Rights Fund filed suit against Secretary of Interior Bruce Babbitt and Secretary of Treasury, Robert Rubin for mismanagement of tribal "trust" funds. The Bureau of Indian Affairs (BIA) cannot account for \$2.4 billion in transactions involving Indian trust accounts (Arthur Anderson did the audit). In 1998 a Federal judge found the BIA and the Interior Department in contempt of court, because the accounts were still not resolved (Nies, 397). Here we are in 2004, the accounts are still not resolved, no one has gone to jail because of it, and Native people continue to be among the poorest people in the United States.

The 1993 US Congress passed the Apology Bill acknowledging the illegal annexation of Hawai'i in 1898, saying, "...the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum." Still no land has been returned to Native Hawaiians, nor has their national sovereignty been restored (Trask, 76).

2002-2004 September 11, the War on Iraq and the aftermath. The ugly resurfacing of the "Arabs as marauding invaders" ideology, and the need for the US to protect what we have, and acquire what

they have—*by any means necessary*. All in the name of protecting our free and democratic society from people who hate us.

2006 finds the United States once again wrestling with immigration and guest worker programs. While the majority of illegal immigrants in the United States are people who entered legally and then over stayed their visas, or are in some other way in violation of their visas, the media focuses on people from Mexico crossing the border into the United States calling them *illegal aliens*. (citation) Among the solutions proposed by the Bush Administration and Congress are expanding the physical barrier (the fence) between the United States and Mexico, militarizing border enforcement and creating a guest worker program similar to those of the past (the Braceros Program for example) where Mexican workers come to the US, occupy low wage earning jobs, and then return to Mexico. The problem with this model is that guest worker programs have consistently meant the exploitation of all low wage workers by using guest workers to keep wages suppressed; in addition, keeping workers disorganized and unsettled. Guest workers are not protected by the constitution nor do they have other citizen rights and protections. The current debate on this issue also focuses on citizenship issues; whether guest workers have the potential to become US citizens if they chose but also if there are avenues for undocumented workers who have been in the US for many years to be considered for citizenship. Many lawmakers think this second group of workers should “go to the back of the line,” that they should not be eligible for citizenship because their very presence in the US makes them law breakers.

Conclusion

White supremacist ideology is not a single ideology, but multiple ideologies applied separately to each People of Color racial group. These separate and distinct ideologies created colonialism and apartheid in the United States and were applied to People of Color racial groups based on the benefits to White society derived through the exploitation of each group. The result is to maintain power and privilege for White Society. This paper has looked at the legal patterns of the United States which codified these ideologies into the laws of the country and around which all institutional structures are built. The paper further demonstrates the need to understand race and racism as a more complex dynamic than what is commonly understood in the United States as a Black/White issue or problem.

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HISTORICAL DEVELOPMENT OF RACISM

RACIAL GROUP & IDEOLOGY	RACIAL-ECONOMIC STRATEGY	EXAMPLES OF LEGALLY MANDATED RACISM AND APARTHEID	EXAMPLES OF CHANGING LAWS	EXAMPLES OF SELF-PERPETUATING RACISM
African Americans Social and intellectual inferiors	Dehumanize the people to create a large pool of free and cheap labor that can also be used to manipulate and control poor white workers as well	<ul style="list-style-type: none"> • Naturalization Act of 1790 • Chattel Slavery • One Drop Rule • 3/5 Doctrine • Dred Scott Decision • Slave Codes • Plessy v Ferguson • Jim Crow Laws 	<ul style="list-style-type: none"> • Civil Rights Act of 1866 • 13th and 14th Amendments • Naturalization Act of 1870 • Brown v Board of Education • Civil Rights Act of 1964 • Affirmative Action 	<ul style="list-style-type: none"> • De facto housing segregation • Unequal school funding • Urban renewal • Lack of employment opportunities • Unequal sentencing laws
Arab Americans Marauding invaders	Dehumanize the people to acquire and control their natural resources in order to prevent those resources from being used to invade and conquer free, democratic, Christian society	<ul style="list-style-type: none"> • Reconquista and Crusades • Naturalization Act of 1790 • Immigration Act of 1924 • Ex parte Shalid,, also Dow • In re Feroz Din • In re Ahmed Hassan • Covert CIA operations 	<ul style="list-style-type: none"> • Immigration and Nationality Act of 1952 • Immigration and Nationality Act Amendments of 1965 	<ul style="list-style-type: none"> • Registration, detention, deportation and expatriation • Guantanamo Bay detentions • Post Sept 11 rhetoric • War on Terror • War on Iraq • US war economy
Asian Americans Perpetual foreigners	Dehumanize the people to keep them outside the protection of the Constitution in order to exploit their labor and prevent them from acquiring property and resources	<ul style="list-style-type: none"> • Naturalization Act of 1790 • Naturalization ct of 1870 • Chinese Exclusion Act 1882 • Immigration Act of 1917 • Immigration Act of 1924 • Takao Ozawa v US • US v Bhagat Singh Thind • Tydings-McDuffie Act 1934 • Executive Order 9066 	<ul style="list-style-type: none"> • Immigration and Nationality Act of 1952 • Immigration and Nationality Act Amendments of 1965 • Reparations for internment 	<ul style="list-style-type: none"> • Immigration and Nationality Act of 1952 • Vietnam War • Hate Crimes • Vincent Chin • Wen Ho Lee • Students excluded from affirmative action • Model minority myth
Latina/os Mestizos tainted by African and Indian inferiority	Dehumanize the people to maintain the Spanish colonial model in which social, political and economic elites are co-opted to participate in the exploitation of the masses and particularly the most vulnerable of their own racial/ethnic group	<ul style="list-style-type: none"> • Naturalization Act of 1790 • Spanish American War • Braceros program • Repatriation campaigns like Operation Wetback • Downes v Bidwell • Literacy Laws • Covert CIA operations 	<ul style="list-style-type: none"> • Nationality Act of 1940 • Mexican Worker Amnesty • Farm labor reform • Bilingual education • Navy leaving Vieques 	<ul style="list-style-type: none"> • Immigration and Nationality Act of 1952 • Puerto Rican Diaspora and “brain drain” • Proposition 187 in California • English only • NAFTA
Native Americans Vanishing savages	Dehumanize the people in order to commit genocide and take possession of the land and exploit the resources	<ul style="list-style-type: none"> • Naturalization Act of 1790 • Naturalization Act of 1870 • Indian Wars • Treaty breaking • Removal and reservations • Allotment Act of 1887 • Termination 	<ul style="list-style-type: none"> • Nationality Act of 1940 • Indian Reorganization Act • American Indian Religious Freedom Act • American Indian Child Welfare Act • Repatriation 	<ul style="list-style-type: none"> • Blood Quantum & invisibility • IRA and Claims Commission • American Indian Civil Rights Act of 1968 • Lyng v NW Cemetery Protection Association • BIA “trust” case

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