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Karin Aguilar-San Juan

Macalester College

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Strategies for Racial Justice in a Post-Racial Era: A Response and Comment for Ian Haney López

Karín Aguilar-San Juan

I. Introduction

Thank you, Professor Haney López, for offering a meticulous analysis of the operation of colorblindness in *U.S. legal discourse*, and also for pointing out the significance of *strategy* with regard to racial justice. I would like to respond by sharing my observations about colorblindness in the classroom—the classroom being a good proxy, perhaps, for U.S. public discourse outside of the legal system. Then, as I underscore your message about racism and prisons, I will add that U.S. racism is much more than an issue of black versus white. I will end with some thoughts and questions about the relationship between scholarship, leadership, and change in this new century.¹

II. Teaching about Race in a Post-Racial Century

The American Studies Department at Macalester College serves as our interdisciplinary site for the study of race and ethnicity. Our first-year course, “The Problem of Race in U.S. Social Thought and Policy,” takes as its starting point the apparent contradiction that race is both illusory and real. Race is *illusory* because there is no single set of genes that determines a person’s racial identity or racial circumstances. Race is *real* because the effects of racist practices and policies have tangible and enduring results, not just on some unfortunate individuals, but on U.S. society as a whole.²

My students are often shocked and dismayed to find that many of these racist practices and policies do not lie safely in the past—in a time before *Brown v. Board of Education*, or before the Civil Rights and Voting Acts of 1964 and 1965. Instead, biased mortgage lending, widespread stereotypes in the media, segregation in the public schools, suburban sprawl, detention and deportation of immigrants, and racialized mass incarceration are among the contemporary practices and policies that contribute to what Andrew Hacker once termed “two worlds, separate, hostile, and unequal,” and what Douglas Massey and Nancy Denton simply labeled “American apartheid.”³ Despite what some of us learned in high school about the inclusive social order that the United States is supposed to embody, that social order is—and always has been—divided and stratified according to an entrenched, complex, and evolving logic of power and control.

These days most people have a personal ethic of colorblindness, by which they intend to see all people as equal, not as lesser, to them. Yet when this personal belief gets translated into institutional practice or public policy, then it functions to cover over, and even promote, inequality. For that reason, I can never rely on trotting out “the facts” to show “the truth” about racial inequality. The primary achievement of colorblindness as a racial ideology is its ability to render those very facts illegible, and to transform into a “racist” anyone who sees and believes those facts to be real or meaningful.⁴ Maybe that is why so often during the first days of a semester I feel like a crazy Dragon Lady spewing fire and ash, jumping from rooftops to throw flying darts at imaginary enemies, because I am saying and thinking things that seem to have

no place in anyone else's mind. I claim that I want racial justice but all I talk about is race and racism!

It does not feel much better when people start to get on the same page as me, that is, when they are finally willing to consider that the inequalities I am talking about are due in large part to practices and policies that are both *systemic* and *ongoing*. At that point, we all start to go a little crazy. We begin to realize how much is at stake when we can no longer participate in colorblind ideology. People have to “de-friend” their friends, because it gets too hard to talk, or not to talk, about current events. Going home for Thanksgiving and listening to Uncle Elmer go on and on about “those criminals” and “lazy welfare cheats” becomes much more uncomfortable. Especially for students who decide to intensify their study of racial inequality and racial justice by taking more courses in related subjects, it turns out that colorblindness is much more than a refusal to acknowledge race or racism, purportedly in the name of egalitarianism. It is, in fact, a brilliant cover for all the flaws in the American Dream and its core myth of meritocracy. To reject colorblindness in the 21st century is to expose much more than race or racism. To reject colorblindness is to courageously reposition one's self vis-à-vis widely accepted—and hugely misleading—narratives of citizenship, democracy, and freedom in the United States.⁵

III. Race and Prison: Demarcation, Discipline, and Control

The penchant of the authorities in the United States to demarcate, discipline, and control through incarceration is staggering compared to world trends.⁶ If you want to stay colorblind in this century, you will have to work overtime in order not to see race or racism in those trends. One in eleven African American adults is under some form of correctional supervision. Of the prisoners on Death Row in 2008, 42 percent were African American and 13 percent were Latino. Across the country, there are 73 thirteen- and fourteen-year-olds who have been sentenced to life in prison; nearly half of them are African American. Does this mean that black and brown people are more prone to crime than white people?

The research indicates that although race and incarceration are linked, punishment does not result directly from crime. Professor Haney López and his colleagues posit that racialized mass incarceration came as a “backlash” when white liberals transformed their racial fears into a state-sponsored obsession with crime.⁷ Certainly this backlash thesis is a compelling argument, but what can we learn by studying other pieces of the incarceration puzzle? The activist icon and radical theorist Angela Davis contends that private corporations are *profiting* from building and operating prisons. U.S. sociologist David Garland notes that a “culture of control” favors *punishment* over rehabilitation. French sociologist Loïc Wacquant argues that the neo-liberal state, intent on its own wide-ranging imperatives, keeps prisons as “surrogate ghettos.” Political scientist Marie Gottschalk observes that various citizen's groups, seeking justice yet bent on revenge, have inadvertently encouraged the growth of the carceral state. She sees the shadow of Nazi Germany lurking in the wings.⁸

The story of Eddy Zheng gives us several reasons to consider the origins and politics of incarceration even more carefully.⁹ Eddy's parents came from China to the United States when he was twelve. When he was sixteen, Eddy and his friends robbed a house and kidnapped someone. Tried and convicted as an adult, he was sentenced to seven years to life, with the possibility of parole. He soon became the youngest prisoner at San Quentin prison, home of

California's Death Row. During the 21 years Eddy eventually served behind bars, he became a "model inmate," earned a high school and a college degree, and eventually got out on parole.

When he visited the Macalester campus recently, Eddy spoke frankly about the negative attitudes he held as a youth. He also told us how much he was influenced by the teachers who encouraged him to study, read, and write. In 1996, he and two other Asian American inmates signed a petition demanding that ethnic studies be added to the prison education curriculum. For that act of so-called insubordination, Eddy was put in solitary confinement for a stretch of eleven months. When Eddy was finally released from prison, he was transferred to immigrant detention for two more years. Since 2007, Eddy has rapidly become a productive and celebrated community member, yet he lives under a standing deportation order and could be forced by Homeland Security to "return" to China at any time, a country he has not seen since he was a child.

Eddy's life contains a perfect segue from the "War on the Crime" to the "War on Terror." Through the San Quentin education program, Eddy turned himself into a model inmate. But the 1996 laws regarding immigrant deportation and detention make it impossible for Eddy to exchange his model status for full citizenship despite the fact that he was a legal resident when he came to the United States three decades ago and the fact that all of his family members are now U.S. citizens.¹⁰

Eddy Zheng is not black, but he is not white either. He is an Asian immigrant who has spent the majority of his life behind bars, the perfect embodiment of what historian Mae Ngai terms the "alien citizen." Eddy's story traces the *sympiotic, mutually beneficial* connection between racialized mass incarceration and the "American Gulag" of U.S. immigration prisons. We should build toward a theory that can express and explain that symbiosis and that takes into account the changing meanings and experiences of race in the United States today.¹¹

IV. Transformative Leadership in the Obama Era

What will drive people to act on the travesty of racialized mass incarceration? Does the voting public need more information? Will better theories help to advance the issue? Do we need a more decisive leader who will dictate the solution from above?

A big part of the problem is that incarceration is both hidden and normalized. Everyone expects it to be this way. Communities are segregated, so we do not know or understand what is happening to others. If we find out, we don't care or empathize because "*they* are not like *us*." On top of this, public surveillance is legitimated and punishment is "sanitized." We do not observe unjustified suffering so how could anything be wrong?

Will putting race and racism into sharper focus help to solve the problem? Surely we *must* expose the operation of colorblindness in public policy and the law, since those mechanisms serve to justify and fuel structural inequalities. At the same time, our racial logic threatens to make abstract racial categories even more rigid, despite our intent to destroy racism.¹² What if the situation we are dealing with cannot be framed productively in racial terms? For example, prison, parole, and probation are starting to reshape poor white communities in rural Minnesota. Yet precisely because of racism, it will be difficult to convince these groups—much less their elected leaders—that they should band together with black and brown people against the criminal justice system.

What about our leaders? Can and should we hope for President Obama to end racialized mass incarceration? On one hand, why not? If a mildly progressive health care reform bill can elicit

the rage that one might have expected from a truly radical reordering of things, then why not put reforming incarceration next on his list?¹³ On the other hand, you have only to consider the situation in public schools after *Brown v. Board of Education* to know that decisions from the very top do not always bring the hoped for changes.

Perhaps we should stop thinking about leadership as a top *position* from which an expert authority figure commands change. Instead, we could view leadership as an intentional *act* of extending and connecting ourselves to the world. We can and should practice this kind of leadership, because when we connect and engage with others, we allow our “mental models” to evolve simultaneously and collaboratively. As long as we want the kind of change that moves the mind, the heart, *and the soul*, then scholarship on its own will never be enough.

In the military, when an imperfect situation becomes a normal routine, it is termed a “SNAFU” (Situation Normal All Fouled Up). Racialized mass incarceration will continue to be our society’s major SNAFU unless and until all sectors of society—scholars, teachers, politicians, judges, cops, prison wardens, community advocates, families, ex-felons, and everyone else—form true, working coalitions that push this issue forward.

Notes

1. For their comments, insights, and corrections, I thank David Seitz, Wendy Morris, Sarah Walker, Lynn Hudson, Erik Larson, Paul Dosh, Callie Thuma, and Sharon Haire.
2. “Race: The Power of an Illusion,” *PBS* website.
3. Hacker 1992; and Massey 1993.
4. Prashad 2001 calls colorblindness “the new genteel racism” of the century.
5. See Bonilla-Silva for a detailed empirical analysis of colorblindness as a racist discourse.
6. One in every 31 adults in the United States lives behind bars or is on probation or parole. The U.S. inmate population, about 2.2 million people, is larger than the *combined total* of the 36 largest European inmate populations, approximately 1.8 million people (Pew 2009). The Department of Homeland Security detains 33,000 immigrants on any given day (National Immigrant Justice Center). In 2008, the state and federal prison systems held 3,207 people under a death sentence (Bureau of Justice Statistics). Across the country, 73 teenagers (thirteen- and fourteen-year-olds) have been tried as adults and sentenced to life in prison without parole (Equal Justice Initiative).
7. Frampton 2008.
8. Davis 2003; Garland 2001; Wacquant 2009; and Gottschalk 2006.
9. Zheng 2008.

10. In the aftermath of the 1996 Oklahoma City bombing, President Clinton signed the Anti-terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act.

11. Ngai 2004; and Dow 2004.

12. In his book *Against Race*, Paul Gilroy cautions against “raciology,” while Sarah Walker blames this on “policy feedback loops.” According to Barker 2009, there is no one national trend, since all criminal justice policy is carried out at a sub-national level.

13. Rich 2010.

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