

# Structural Racism 101: Basic Training for Lawyers

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A portrait of Federal Judge Damon J. Keith, an older Black man with grey hair and a mustache, smiling. He is wearing a dark blue judicial robe over a white shirt and a patterned tie. He is holding a book or folder in his hands. The background is a blurred interior setting.

# CRUSADER FOR JUSTICE

FEDERAL JUDGE  
DAMON J. KEITH

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Foreword by MITCH ALBOM*

# Provocative claim

- The name “George Floyd” has come to symbolize the cumulative effect of four-hundred years of racism in America
- We face the dual pandemics of 1) police brutality **and** 2) the racially disparate impact of Covid-19
- These pandemics are interrelated
  - Covid 19: Intersection structural racism & policies of fiscal austerity
  - Police brutality: Intersection structural racism & militarization
- But, law schools teach lawyers nothing about this – why?



# Structural Racism 101

- Hiding in plain sight (Invisible Man (Ralph Ellison))
  - European Americans are trained and socialized not to see the racism that surrounds them
    - Epistemology of Ignorance – White Ignorance
  - Americans of Color confront and experience racism every day of their lives (quote from DJK)
- Some Implications . . . .
  - European Americans need a life-long process of unlearning what they have been taught and re-learning how to see again
  - The knowledge and expertise of Americans of Color need to be centered, honored and respected



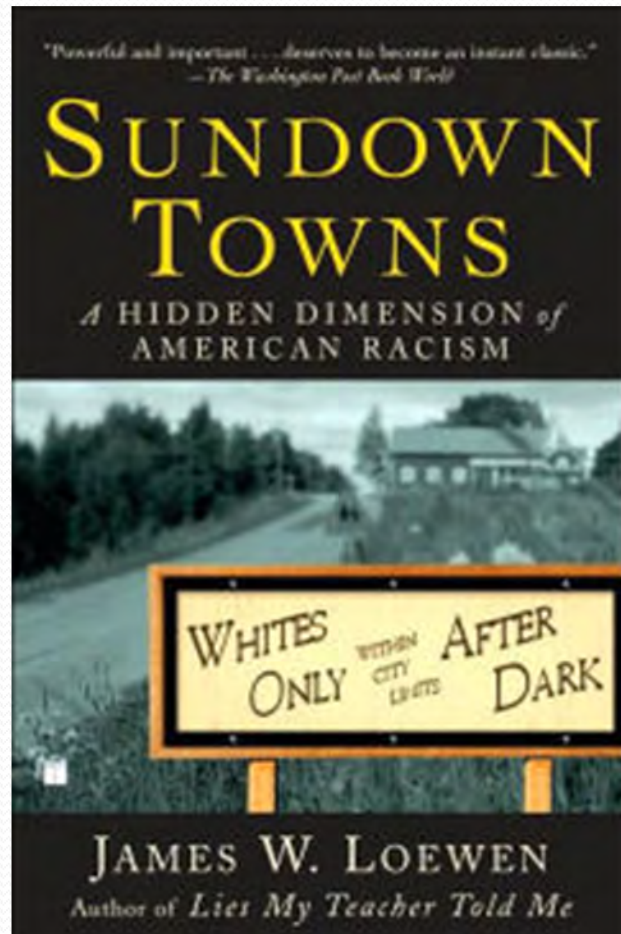
# Illustration

- Do we see and understand the dynamics of **spatial racism** that define every aspect of the Detroit Metropolitan Area?

# What determines where we live?

- What if people were gas molecules?
- What social, economic and political forces shape demographic patterns?
- Importance of spatial perspectives
  - The spatialization of race
  - The racialization of space
- The past did not go anywhere (archeology of structural racism)

# America's untold histories . . . .



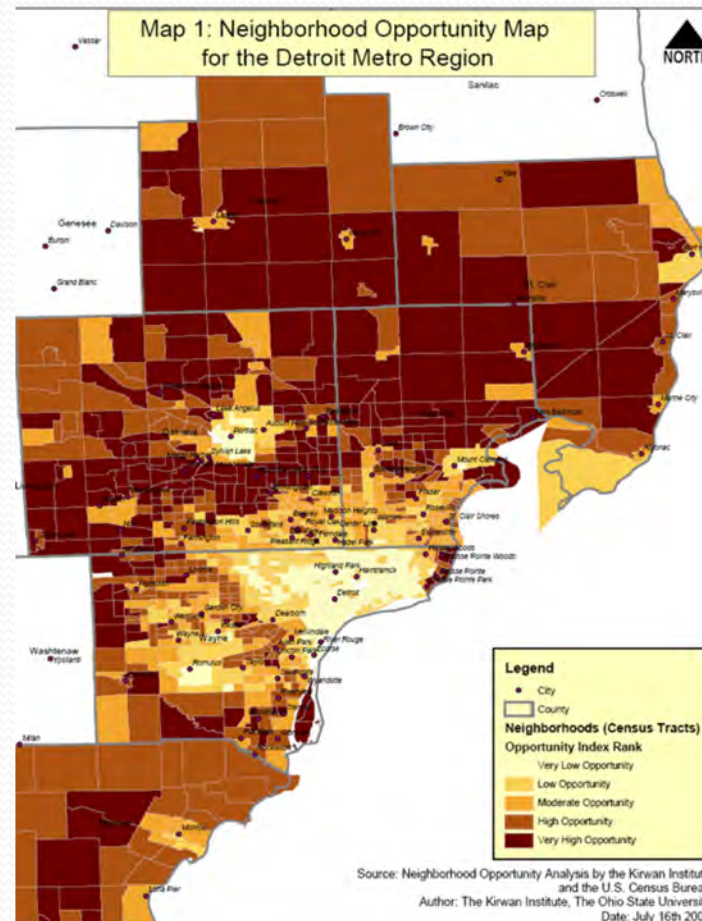


# Spatial Racism in S.E. Michigan

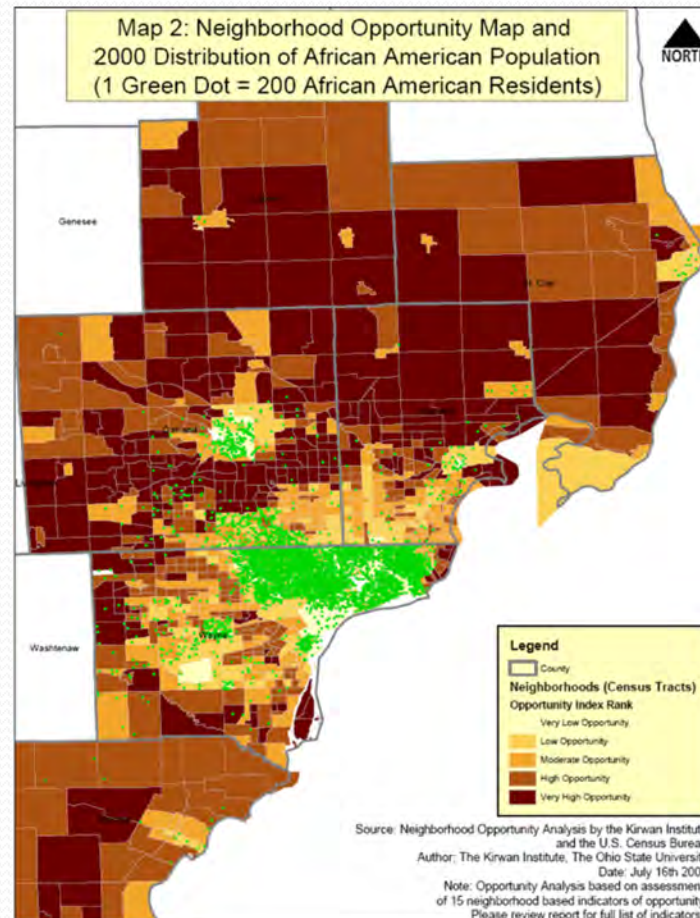
- Michigan Roundtable-Kirwan Institute Opportunity Mapping
- Defining Opportunity
  - Housing
  - Employment
  - Schooling
  - Health
  - Transportation
  - Food security
  - Living environment
- Mapping Opportunity



# Segregation Wealth & Opportunity



# Spatial Racism in S.E. Michigan



# Impacts every social policy issue

- **Individual & Community Wealth**
- Maternal health
- Public Transportation
- Access to health care
- Physical safety
- **Education**
- Job opportunities
- Childhood asthma
- **Municipal distress**
- **Environmental Racism**
- Childhood obesity
- Emergency Management
- Infant mortality
- **Water shutoffs**
- Tax foreclosures
- **Building Power**
- Life expectancy
- Mass incarceration
- **Police brutality**

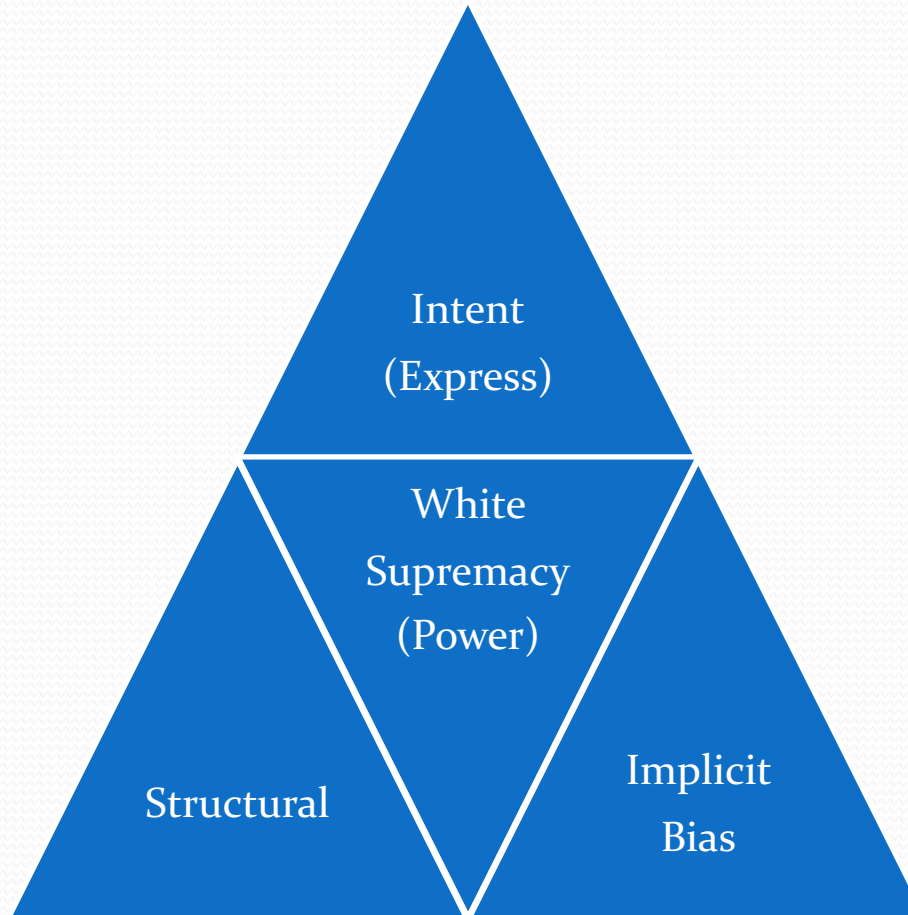


# Need new tools and frames

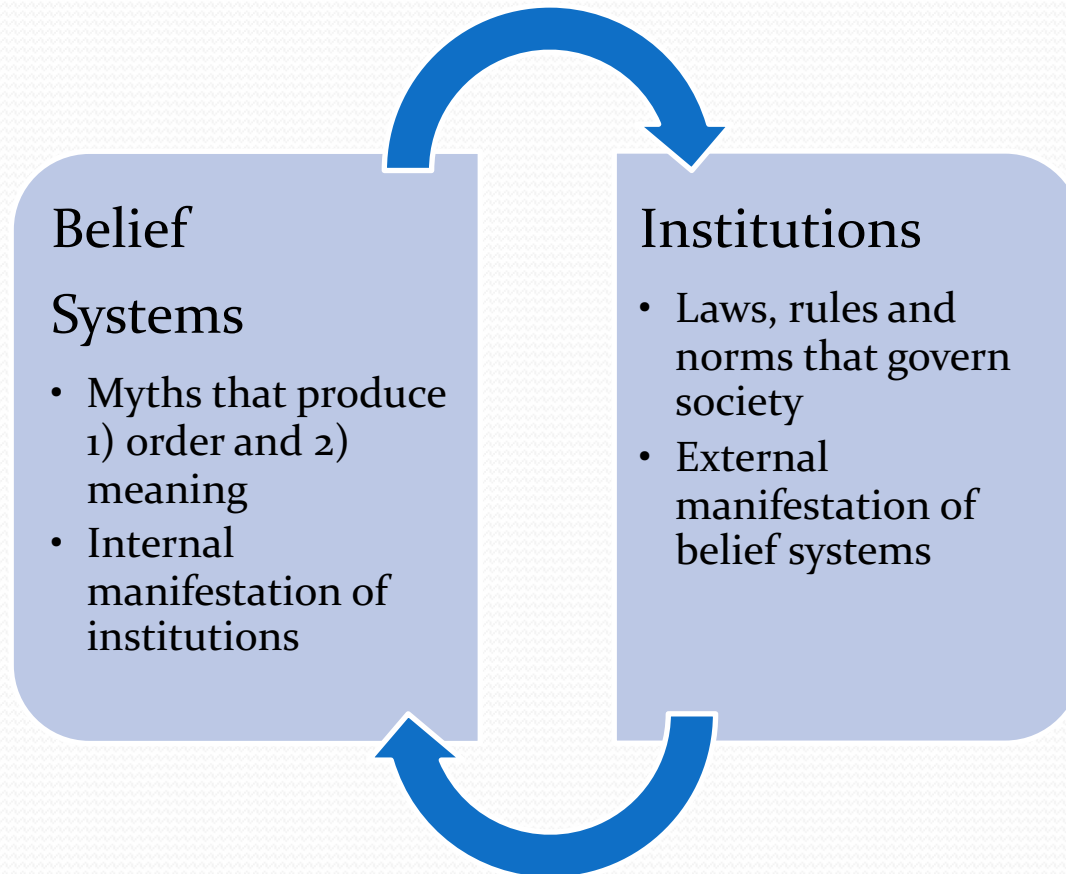
- 1) Need more sophisticated understandings of racism
- 2) Need better understandings of the dynamic reproduction of racial inequity
  - Belief Systems
  - Institutions
- 3) Need better models of the deep interconnectedness of social challenges (issue clusters)



# 1) More sophisticated understandings of racism



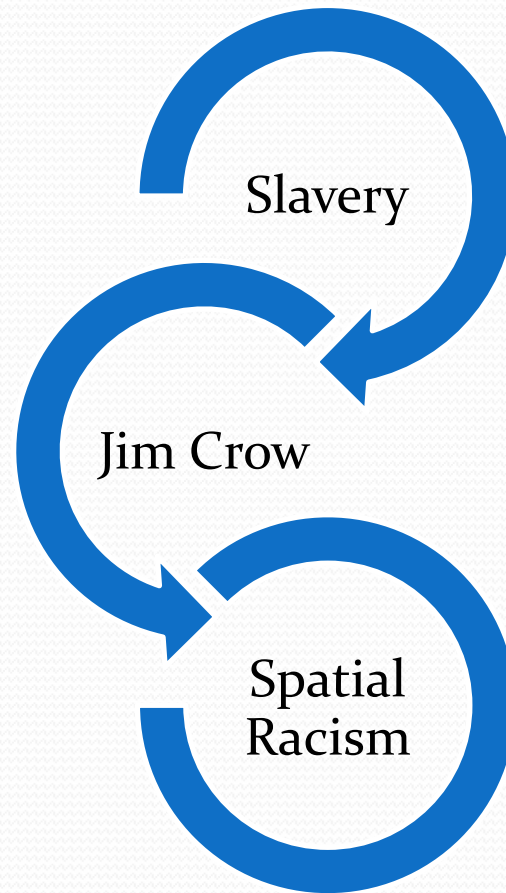
## 2) Dynamic reproduction of racial inequality



# Beliefs systems shape thought and action

- Two common myths (peculiarly western origins)
  - Time is linear
  - Race is marginal
- What are implications for thought and action?
  - Past injustices can be ignored – slavery was a long time ago
  - Problems of racial justice are not important and will take care of themselves (myth of progress)
- New frame: Any other way to think about time?
  - Time is cyclical – past is ahead and behind us
  - Race is central
  - Primed to think about systems of social reproduction

# Historic lineage of “spatial racism”





# Slavery: Beliefs & Institutions

- Institutions of slavery – external manifestations
  - Kidnapping in Africa
  - Deaths and the middle passage
  - Torture and institutionalized violence as economic means of production
  - Consider the weight of all of these external chains
- Beliefs justifying slavery – internal manifestations of institutions
  - What were the racialized beliefs of white supremacy that could possibly carry the weight, and support the infrastructure of slavery's institutions?

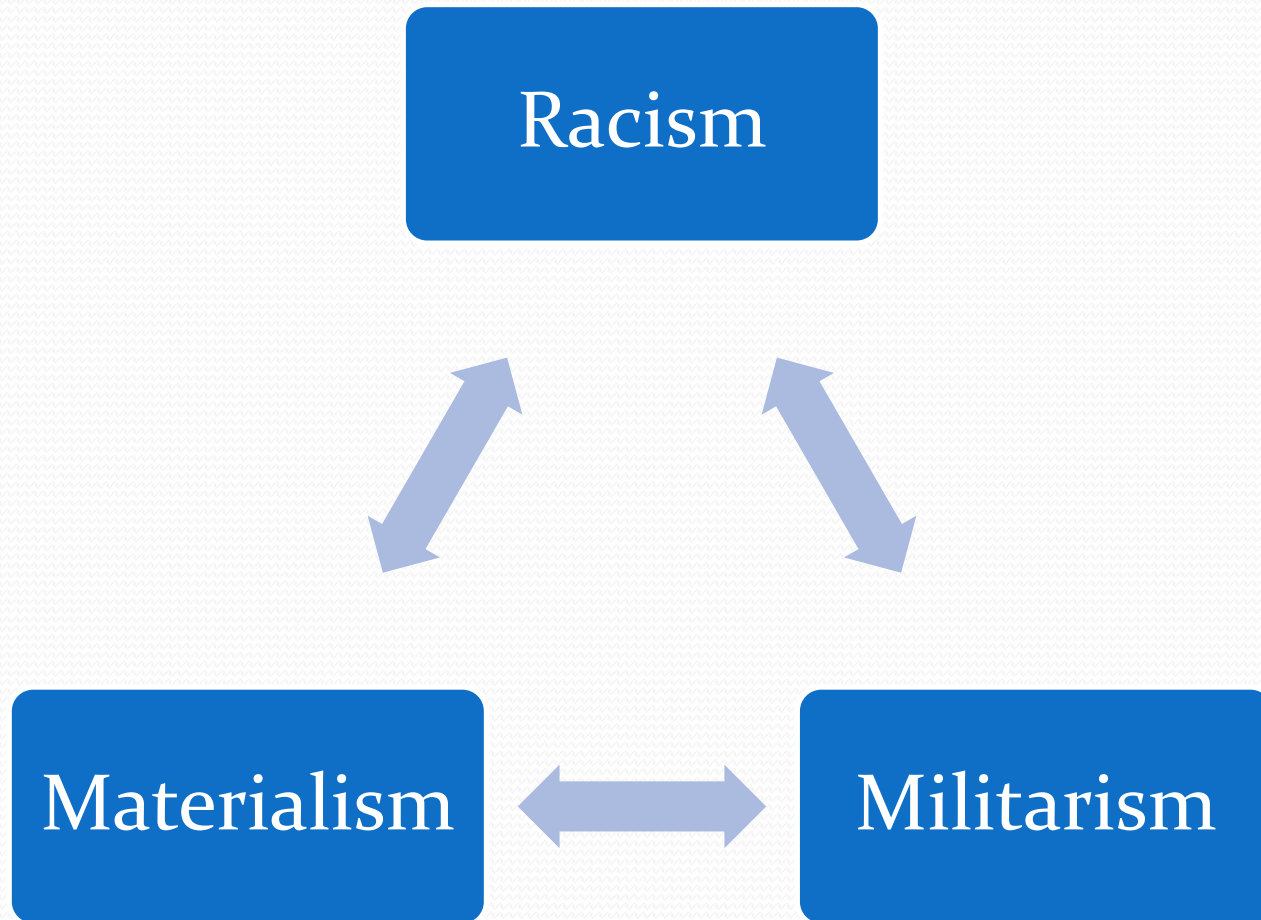
# Slavery to Jim Crow

- Civil war ended institution of slavery, but not the racialized belief systems that supported it lived on
- The Institutions, the laws, rule and norms simply mutated into the institutions of Jim Crow segregation
- Social reproduction of systems of oppression

# Jim Crow to Spatial Racism

- Old adage:
  - In the south, you can be close, but you cannot be equal
  - In the north, you can be equal, but cannot be close
- Spatial racism defines Southeast Michigan
  - It is all about geography – the spatialization of race and the racialization of space
  - Detroit is ground zero for spatial racism
  - Effects every issue you care about: education, health, employment, access to health care
- We are the new Selma – and must act with that responsibility

### 3) Deep interconnectedness of social challenges (Dr. King)





# Fiscal Austerity: Belief System

- Strong belief in markets and fear of the state
- Emphasis on property right
- Hyper sense of individualism
- Marginalizes role of structure and social context
- Blames/punish individuals who fail to live up to standards (false meritocracy)
- Myth of colorblindness
- Vilification of public goods and processes

# Fiscal Austerity: Institutions

- Minimalist state
- Unrestrained markets
- Privatization of public assets
- Minimal public workers/benefits
  - Minimal respect for public employees
- Minimal social safety net
- Emergency Management & Bankruptcy Plan of Adjustment

# Structural Racism & fiscal austerity



# Belief System: Fear-Militarism

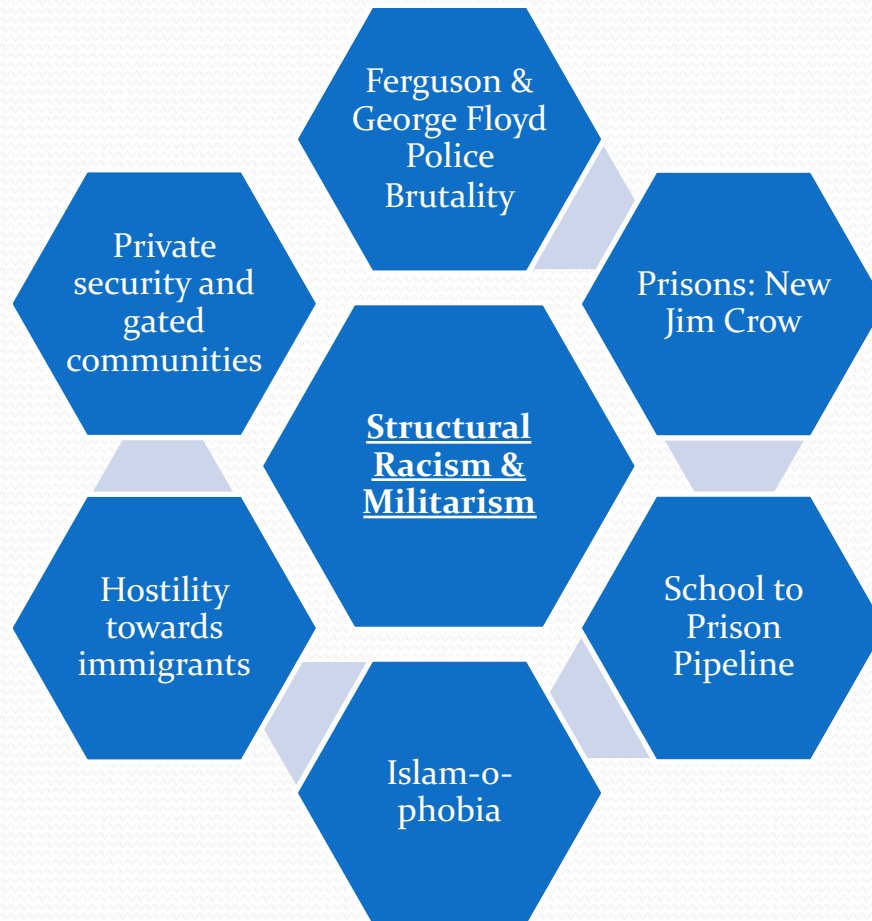
- Exaggerated masculinity – male dominance
- Conditioned action without reflection
- Privileging of physical violence and force
- Dominance of fear and defensiveness
- Need of an enemy (other)
- Glorification of loss/sacrifice
- Preoccupation on control



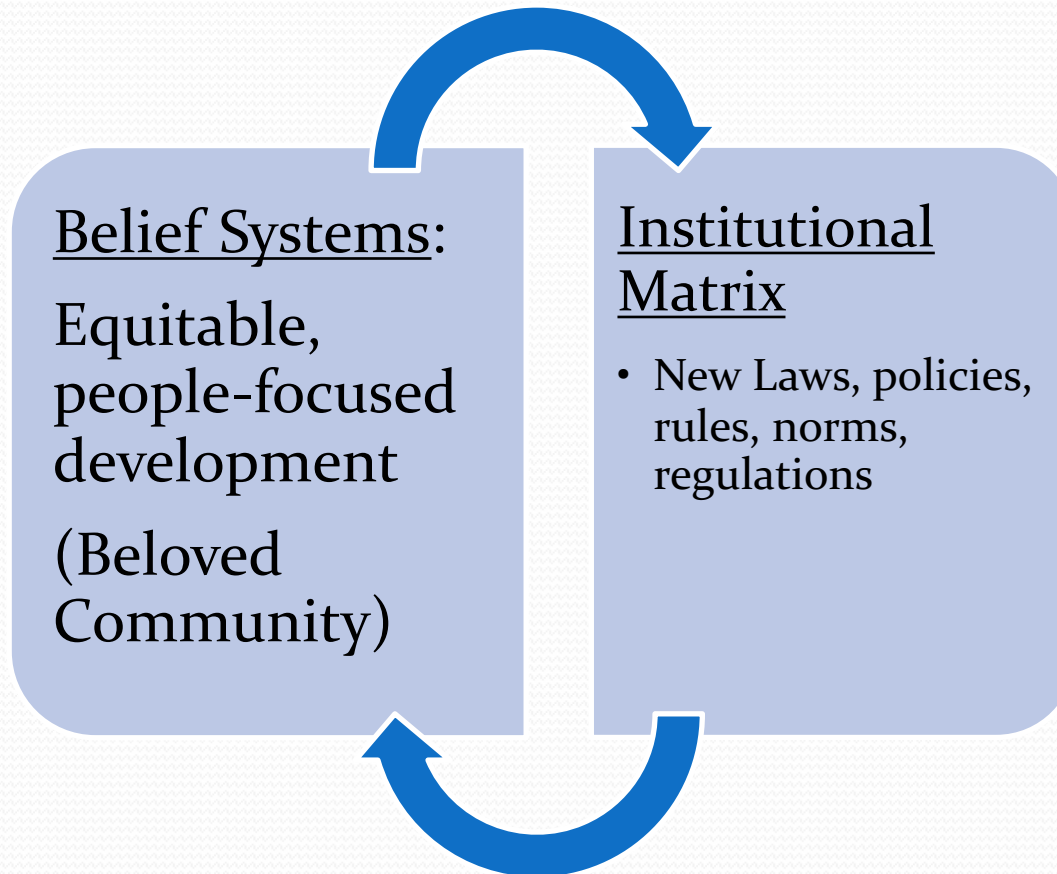
# Institutions: Fear-Militarism

- Armed forces
- Military industrial complex
- National security complex
- War on terror
- Border patrol
- Police forces
- Criminal justice system
- School discipline

# Racism & fear-militarism



# Alternative beliefs & institutions



# Alternative beliefs and institutions





# What can the DBA do?

- Key manifestations of structural racism
  - Water shutoffs
  - Tax foreclosure
  - Pending tsunami of renter evictions
  - Mass incarceration
  - Project Greenlight
  - Police brutality
  - Health Disparities
- What is DBA doing?
  - Legal and policy analysis?
  - Direct legal service provision?

