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REFLECTING ON RACE IN AMERICA  
50 YEARS AFTER THE CIVIL RIGHTS ACT

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## P R O C E E D I N G S

MR. HARRIS: Good afternoon, everyone. I'm Fred Harris, professor of political science and director of the Center on African American Politics in Society at Columbia University. I am also a nonresident senior fellow here at The Brookings Institution, and would like to welcome all of you here to this roundtable, "Reflecting on Race in America 50 Years After the Civil Rights Act."

We have a distinguished panel of guests and we're going to be tackling some big questions, but we have some very smart people that are going to help us really get into what I think are the most important issues facing us around issues of race in the 21st century.

I would also like to welcome those who are viewing by webcast to chat in with us, as well, at #civilrights50.

Our panelists today, starting to my immediate left, Sheryll Cashin. Professor Cashin is professor of law at Georgetown University, where she teaches administrative law, constitutional law and race in American law, among many other subject. Professor Cashin writes about race relations, government and inequality in America. She's the author of *The Failures of Integration: How Race and Class is Undermining the American Dream*, which was an editor's choice in *The New York Times Book Review*. Her most recent book is *Place, Not Race: A New Vision of Opportunity in America*. Professor Cashin is also a two-time nominee for the Hurston/Wright Legacy Award for Non-Fiction. She has published widely in academic journals and written commentaries for several periodicals, including *The Los Angeles Times*, *The Washington Post*, and *Education Week*.

Rashad Robinson serves as executive director of Color of Change, the nation's largest online civil rights organization. Under Rashad's leadership, Color of

Change has been at the forefront of the issues, ranging from fighting for justice for Trayvon Martin to battling attempts to suppress the black vote. Rashad has appeared in hundreds of news stories, interviews, and political discussions through outlets including ABC, BET, CNN, MSNBC, OWN, and *The New York Times*, among others. Among his many, many awards and recognitions, Rashad is the recipient of Bayard Rustin Citizen Change Award by Americans for Democratic Action. He also previously held leadership roles at the Gay and Lesbian Alliance Against Defamation, the Right to Vote campaign, as well as Fair Vote.

Adam Serwer is BuzzFeed's national editor. A Washington, D.C., native and a graduate of Columbia University Graduate School of Journalism, was formerly a reporter for MSNBC, as well as for *Mother Jones* magazine. He has written for *The Washington Post*, *The American Prospect*, *Rolling Stone*, and *Ebony* magazine.

Vesla Weaver is on the faculty of Yale University in African-American Studies and political science. Weaver is broadly interested in understanding racial inequality in the United States and how state policies shape citizenship and political causes, as well as thinking and writing about the consequences of the growth of the criminal justice system. She is a prolific author; she's co-author of *Arresting Citizenship: The Democratic Consequences of American Crime Control*, as well as the co-author of the book, *Creating A New Racial Order*. And she's also the author of the forthcoming and highly anticipated book, *Frontlash: Civil Rights, the Carceral State, and the Transformation of American Politics*. Weaver's research has been supported by fellowships through the National Science Foundation, the Ford Foundation, and this august group called The Brookings Institution. She has previously worked for the Civil Rights Project at Harvard, the Joint Center for Political and Economical Studies, as well as the Southern Poverty Law Center.

So, my idea for putting together this roundtable was for us to get beyond the usual, how far we have come and how long we have to go narrative that usually dominates these anniversary events. So instead I'd like for us to think about what has described as the paradox of racial inequality today, the paradox. That is, why does racial inequality still persist in an era, in a moment, when there is less overt racism compared to the era of Jim Crow? Why has persistence in racial inequality remained overt while white racist attitudes and public opinion have been on the decline since the passage of the 1964 Civil Rights Act?

So we know the national reaction to the slip of the tongue of people like Donald Sterling and Paula Deen, so those kind of ideas are not looked upon very positively, I'll put it that way, in contemporary American life. So, in essence, how can racial inequality persist? And in some cases, how have they expanded? In the cases of education, where there's been a re-segregation of the public school systems since *Brown* in the absence of Jim Crow?

So that's our first question to the panelists. The second question -- because I think it's very important that we just don't talk about the persistence, but get to the "what is to be done" question. What are the policy solutions that are needed to arrest the persistence of racial inequality in 21st century America? So, with that first question, the paradox of persistence of racial inequality since Jim Crow, Professor Cashin, how can we account for it?

MS. CASHIN: Well, you say we don't have Jim Crow anymore, but we have a lot of the enduring structures of Jim Crow. The analogy I think of is, I went to Ireland for the first time this summer and if you've ever been there, that's a country where you can drive along the road and, boom, out of nowhere you see these ruins from the 7th century. They're just everywhere -- the 7th century, the 1400s -- and we often, because

we're in post-civil rights America -- and, yes, the chief psychic victory of the civil rights movement was that we moved in one generation from a society where the majority of Americans accepted and even supported racial hierarchy and white supremacy to rejecting that.

And so, yes, an overt racist is a social pariah in post-civil rights America, but we haven't eliminated the structures of Jim Crow and in some ways -- there's Michelle Alexander's book, and I'll leave the criminal justice system to Vesla, but in some ways things have gotten worse.

I actually feel quite lucky to be middle aged. I graduated from Butler High School in Huntsville, Alabama, in 1980, and that was the high watermark for school integration. From about 1968 to 1980, each year we achieved more racial integration in schooling throughout the South to the point where about 43 percent of black children in the South were going to integrated schools. And each year we were narrowing the achievement gap and since then, as you've alluded to, we have resegregated.

And it still is the case today that the average existence for a black or Latino child in public school is one of segregation, not just by race, but also economically. Most black and Latino kids are in schools where a majority of their peers are a minority, and poor. Meanwhile, a white or Asian child in America on average has the exact opposite experience. And something else has happened in post-civil rights America, today only 42 percent of all Americans live in a middle-class neighborhood and that's down from 65 percent in 1970.

What has happened in those last three decades? It's the rising segregation of the affluent and the highly educated from everyone else. So while each passing decade from the '60s, as a result of the Civil Rights Act, as a result of the Fair Housing Act, we got a little bit better in reducing residential segregation. But we had a

tremendous spike in economic segregation and economic segregation has actually risen fastest among blacks and Latinos. Black 1 percenters and Latino 1 percenters who can move to opportunity do.

So we've had persistent racial inequality -- this is what my book *Place, Not Race* is about -- in large part because of these enduring structures, often tied to where you live. If you are lucky, you won the lottery at birth and picked the right parents and can afford to buy your way into a solid middle or upper-middle class neighborhood, particularly if you can buy your way into a gold standard neighborhood, you have access to quality education that sets you up very, very well in life.

If you don't, there's a lot of inequality. But I want to say -- you said seven minutes, so I'll conclude --

MR. HARRIS: Okay.

MS. CASHIN: -- by saying that, while there's a lot of persistent racial inequality that's tied to neighborhood inequality and the persistence of segregation, there's also a lot of rising neighborhood inequality for struggling white folks.

MR. HARRIS: Okay. Rashad?

MR. ROBINSON: It's great to be here with you all. I run a next-generation civil rights organization that uses technology to mobilize everyday people around moments that are happening in the world. We like to say that we turn moments in to movements. And at our best we're often times on-ramping people through the moments into a movement that's already happening.

And so, as I've been traveling the country in even the last couple of months, since before the summer, and working on a number of campaigns, I continue to hear a theme from a lot of people, there seems to be a lot more police brutality happening. There seems to be a lot more of these racial justice moments happening

around the country. And maybe we're not post-racial? My organization is working very closely in New York on Eric Gardner, we've been in and out of Ferguson. Actually, the last time I saw Adam was in Ferguson.

And so we continue to hear that and so, as an organization that's consistently responding to these moments, consistently trying to amp up energy and push back, and push for a sort of public attention, I work with a community and an audience that doesn't think we've gotten any better. It doesn't think the country has necessarily changed. And so, sometimes we're asking these questions and I don't necessarily know who always has answered the public opinion polls, but the folks that I communicate with every day don't necessarily see large-scale changes.

What we do see is some differences in terms of who our are opponents are? And over the last several years there's been a real change in terms of the role of government versus the role of corporations, and how those things have really fused in terms of the impact on the everyday lives of black people. When Dr. King was assassinated, he was standing up for sanitation workers and it was really about demands of government -- the demands of what government needed to do to ensure equality.

If you look at the modern movements of our time, whether it's the fast food workers, workers standing up at Walmart, even some of the work that's happening around criminal justice and surveillance in our communities. It's about an overreach of corporations and how corporations have infiltrated our political system and the impact that that will have for years to come on black folks and marginalized people all around the country. And the role that the civil rights movement will play in the next 10 or 15 years in that work, as so many of our organizations receive so much funding from those same corporations that are lobbying Congress on policies that impact and hurt our communities.

And so one of the structural issues I want to bring up -- because when we talk about the achievements of the civil rights movement and as a technology organization, I want to talk about the role of technology then and the role that we're going to see technology play.

So, in the mid-'60s, the Student Non-violent Coordinating Committee installed what was called a WATTS line, in their shore university office. And the WATTS line was the precursor to the 1-800 number, it allowed for organizers to bypass Ma Bell operators that were largely controlled by the White Citizen's Council. And these organizers were able call, bypass, they could also make much cheaper calls than the long-distance calls that had to go from operator to operator to operator, and didn't move quickly.

It didn't change their organizing strategy, but in some ways it allowed for information to move quicker, it allowed them to use the newest technology of the time, and WATTS was able to help SNCC to do some things in a more effective way.

The question for us, as we battled down inequality -- as we face inequality -- is what are the tools of our time that allow us to do the work quicker? To be quicker and smarter? And I often times think about WATTS as the Twitter of our time, it allows us to bypass traditional gatekeepers, filters. You think about the organizers on the ground in Ferguson, in the aftermath, they were able to bypass corporate media and able to make a story out of something that had been happening all around the country, and may have not been a story if we'd just relied on corporate media to decide that.

And so the questions in terms of how we think about closing inequality? What's the work moving forward? I think about issues like net neutrality and the conversations that are happening at the FCC now, where we have a group of civil rights organizations lobbying on behalf of the telecom companies -- going to lobby on behalf of



AT&T and Verizon, from the NAACP to La Rasa to The National Urban League supporting their opinions around net neutrality at the FCC. Many of these corporations spend the large portion of their money lobbying for conservative Republicans, their PAC money for conservative Republicans.

And so the question for us is how authentic will our movement be? How fierce and strong will our movement be over the next 10 or 15 years? And those are just as important questions as, are we closing the gaps, or will we close the gaps, because how strong the counterbalance we have to the powers that be, how authentic, how unbought, how unbossed those counterbalances are will determine whether or not our communities will actually be represented in the ways that they need to, as we face down the challenges of the next century.

MR. HARRIS: Thank you. Adam?

MR. SERWER: I think I'd just like to echo Professor Cashin's remarks about the structures surviving. The Civil Rights Act was, of course, part of very aggressive and very successful attack on de jour segregation, as it existed at the time. But I would say that there was not quite as aggressive an attempt to alleviate the economic inequality that had resulted because of segregation. And I think what we have today is, we don't have the explicit, anti-racist, anti-black attitudes of yesteryear, but we have something very interesting which is a creed that markets itself as explicitly as anti-racist, which believes that any attempt to address -- it's fundamentally a disagreement about the scope of the federal government, but it's a belief that any attempt to address the lingering racial inequalities of yesteryear is actually just as evil as the force of the state used to divide society along racial lines.

And I think I can see, then, what Woodward called, the civil rights movement as the second reconstruction, and some people have referred to the second

redemption, and I think despite the very different ideological approach, what we're seeing now is a roll-back of the fundamental pieces of civil rights legislation of that time that is being led by the Supreme Court, in particular, because America's so polarized. It's not like you have an electoral majority for rolling back the civil rights era statutes, but what you do have is a very conservative Supreme Court, the majority of whom are very much believers in this creed that attempts to address racial inequality are as evil as attempts to alleviate it, explicitly, because they consciously take into account racial differences that exist as a result of past inequalities.

And, as I think you've seen, there is no more pithy or concise definition of this creed than John Roberts', "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."

So it's an idea that equates affirmative action with segregated lunch counters, and it's an ideology that takes very seriously Martin Luther King's famous statement that he wants to live in a society that "judges people by the content of their character and not the color of their skin," and then ignores his other statement about an integrated lunch counter being no good if you can't afford to sit at it.

And so I think that is really the fundamental dynamic we're dealing with today. We have two sides that are fighting on a plane of what anti-racism means and it's no longer a question of white people specifically believing that black people are inferior and needed to be separate, but a belief that any kind of aggressive government intervention to alleviate the effects of past policies is actually just as bad as the policies that once existed.

MR. HARRIS: Vesla?

MS. WEAVER: Thank you for convening this, Fred, and to my fellow panelists, I'm going to build on some of what you all have said.

So, in thinking about the question of the paradox of racial inequality that you laid out for us, I wanted to offer three explanations, or three developments, that I think are central to understanding how the Civil Rights Act itself, and that moment, delimited the egalitarian impulse of the act.

The first proposition that I want to make is that racial inequality persists because policies of the civil rights era were inadequate to addressing what some of you have mentioned, the situation of blacks in the bottom third of the income distribution. Now I don't mean to suggest that there aren't cavernous gaps between the black middle class and the white middle class, there are. Affluent blacks are still much more residentially segregated than their white counterparts. They have much fewer wealth holdings to pass onto their kids, and they receive fewer economic rewards for the same educational levels as their white counterparts.

And I also don't want to be confused as saying that class, and not race, is the nation's battle in our time. No, it's because of both race and class subordination that poorly educated blacks and Latinos are where they are today. But I largely agree with the sociologist William Julius Wilson when he says that the civil rights era policies, while launching the black middle class, have not improved the life chances of poor blacks. In his words, "The economic and political systems in the U.S. have demonstrated remarkable flexibility in allowing talented blacks to fill positions of prestige and influence."

At the very same time that these systems have shown persistent rigidity in handling the problems of lower class blacks. Largely due to affirmative action and measures associated with the civil rights era and the revolution, the best off blacks and Latinos witnessed tremendous gains, objectively, and subjectively report much more efficacy today, but the outcomes of those blacks growing up in poverty languished. Consider some indicators.

In terms of income growth since the 1970s, the top quintile of blacks improved their lot considerably, while the bottom quintile saw almost no gains, and sometimes decreased their lot. Wealth is also telling. Almost half of blacks and Latinos had no net assets 20 years ago. Almost no blacks and the exact same proportion -- half -- is true today. Almost no blacks or Hispanics had over \$250,000 in assets in 1993, but that has changed to more than 1 in 10 today.

It used to be the case that wealth didn't protect racially stigmatized groups from the daily stress to the same degree that it did for favored groups. That also has changed, such that today that minorities with resources do not feel the sting of crime, neighborhood poverty, or confinement in a cell at rates even close to the worst off. For instance, I work on incarceration: For black men who did not get a high school education, they increased their incarceration rates since the 1970s almost five-fold, but black college educated men hardly increased their incarceration rates at all.

Otherwise stated, blacks born in the 1940s who did not complete secondary education had odds of incarceration only 3 times higher than their college educated peers, while the odds rose to 10 times that of college educated blacks born three decades later. In other words, high status blacks did not experience a rise in incarceration. We often miss this in the discussions around race-based incarceration.

Similarly, while segregation is high among all blacks, there's a sharp socioeconomic gradient. Poor blacks are much more isolated from both higher socioeconomic status blacks, other blacks, and more segregated from whites of all classes. Educational outcomes rose for all blacks, but they rose fastest for those with parents in the top half of the income distribution.

Now, to be sure, some argued that the gains of the black middle class would eventually find their way; would eventually trickle down to the worst positioned.

That actually hasn't been borne out by the data. Sociologist Pat Sharkey finds that of the people who lived in segregated ghettos 4 decades ago, 70 percent of their grandchildren never made it out.

On subjective measures, too, lower class blacks register more inequality subjectively. For example, over half of black youth today say that America is not the land of opportunities and fair chances. The well off members of minority groups live in increasingly different circumstances, compared with the poor members of their group. This has grown even more so over time, since the Civil Rights Act was signed -- an era when, as Jennifer Hokeshill describes, "All blacks were equally unequal."

So the worst off blacks have become ever more marginal, more socially and economically isolated. It is not clear yet if political isolation follows, or what this mix that I've described portends for the future of race politics? But if the trends continue, which is likely, the worst off blacks may lose critical partners in the struggle for equality, left on an island of despair and poor prospects.

My second claim, I was put in the mind of Lyndon B. Johnson who, when he signed the Voting Rights Act in 1965, said something to the effect of, "The vote breaks down the walls that imprison men." And those words would come to haunt the nation today, as one of the most important social policy transformations of the past half century is the stunning expansion in prison, an expansion that was concentrated among the most uneducated, most impoverished, and most victimized group of Americans.

This was a national policy experiment that began just after the Civil Rights Act came into being and has continued to the present day. Incarceration rates have increased for 35 consecutive years, before slightly declining for the first time since I've been alive. Justice Black says lives were defined by Jim Crow separation and the lead-up to the Civil Rights Act, so too are many blacks' lives now demarcated by the

experiences of being patted down by a city cop, being led away in handcuffs, and learning the complete isolation and segregation of prison life.

Now, why did this occur? As Michelle Alexander tells us, the economic collapse of inner-city black communities could have inspired a national outpouring of compassion and support. A new war on poverty could have been launched. Economic stimulus packages could have sailed through Congress to bail out those trapped in jobless ghettos through no fault of their own. But history shows that the exact opposite happened. With the exception of the Earned Income Tax Credit and Medicaid, nearly all anti-poverty programs have steadily declined since their highpoint in the Great Society. We saw the end of welfare as an entitlement for the poor, sharp cutbacks to Section 8 housing and general assistance, drastic reductions in jobs training programs, were the most visible of these.

Other forms of aid, relied on for years by the poor, were similarly unraveled. Early childhood education, Social Security income, the Comprehensive Education and Training Act, and the School Lunch Program. By 2009, only less than 10 percent of those people falling under the federal poverty line were receiving welfare, a level of cash that we hadn't seen since 1963, right before the Civil Rights Act. Thus, despite gains in formal civil rights and the growth of an economically mobile black middle class, a group of disadvantaged, vulnerable men now faced evaporating job opportunities and quickly declining social safety net ready to meet the new risks of poverty and unemployment.

But because this rollback in social supports for the urban poor collides precisely with the moment that the United States invested heavily in punishment and police surveillance, the lines of state action in relation to the poor were quickly redrawn, a new type of poverty governance.

Instead of policy interventions that would have addressed the structural insecurities coming out of the decimation of the urban economy facing low-skilled blacks, the nation instead witnessed a combination of policies that both invest in punishment and entrenched poverty. Most basically, these communities got punishment of crime, not protection from the market. Together these forces meant that criminal justice became an increasingly important event in the life course of poor, young black men. And it changed the kinds of contact low income men had with political authority. I would offer that criminal justice is, A, perhaps the central aspect of racial inequality today.

Scholars have shown that it not only reflects inequalities in poverty, joblessness, and education, it actually drives those same outcomes. Because it affects their ability to get jobs, housing, and maintain stable families and because they lose access to the social safety net that might keep them afloat, being incarcerated increases one's risk of later spells of poverty, joblessness, and homelessness.

Incarceration, it could be said, has become a new form of stratification in our era, as citizens are put into a separate legal, economic, and social domain, and as incarceration has incredible consequences for their children's life chances.

My third claim -- and this leads directly to the third claim. The Civil Rights Act and its cousins did not give us the tools that we needed to address the worsening situation of the black poor and the rising incarceration, spatially concentrated.

Racial subordination has shifted to new domains like incarceration, even as the definition of what constitutes racism has drastically contracted. What do I mean by that?

The Civil Rights Act and subsequent policies were read by courts and the legislature as dealing with discrimination and nothing more, creating an environment in which the vast landscape of racial inequality became extremely difficult to address.

Anti-discrimination law and policies came to focus on intentional, invidious, explicit malice by individuals or organization, known as The Intent Doctrine. Even when many of society's inequalities were not reducible to individual bigots or rooted in explicit acts of discrimination and, as time would tell, negative rights, saying what people can't do intentionally are poor substitutes for positive rights, staking out a minimum by which people cannot fall.

By defining racial unfairness in this way, a range of racial harms would be given a big pass. According to the legal scholar Ian Haney Lopez then, "Civil rights policies were more of a shield than a sword." All interactions, I quote him, "not expressly predicated on race, no matter how closely correlated with racial hierarchy would be immune from challenge." In other words, racial disparities coming out of our long-standing history will stand as long as they don't violate the new norms and rules against discrimination in broad daylight.

Because of the Civil Rights Act and its successors, operationalized racism in this way -- this narrowly -- the scope of our remedies too was narrowed to specific instances of wrongdoing, collapsing our ability to address a range of racial inequalities since we are justified in acting on them only when we can identify malicious intent in broad daylight.

There are several implications that flow from this hollow definition of racism. First, vast racial disparities are seen as dispositional, not structural, and, therefore, legitimate. Second, we're led to focus solely or primarily on individual discrimination by bad actors, rather than cumulative disadvantage that has marked the lives of the segregated poor.

Some scholars liken this situation of modern racial inequalities to a birdcage. Focusing on one element of the cage, like discrimination, does not explain why



the bird is trapped.

And third, this colorblind approach robs our nation of a useful vocabulary for explaining persisting racial inequality that looks eerily similar to past systems. And from the standpoint of citizens -- poor, black citizens -- a gulf develops between what poor blacks see and experience in the daily lives around them, in their worlds, and the available narratives, in the other, and the available legal jurisprudence to make sense of it all. So, one fellow that I interviewed for my book on incarceration in Charlottesville, Virginia -- an older black man named Carlton -- said to me that a lot of black young men bring problems on themselves. It's not that the system failed you, it's that "They failed they own self." If you asked me that question 30 years ago, it would be a totally different answer because I would say that the system failed them, but "the system don't fail you no more," right?

We have Civil Rights Act, we've got Affirmative Action. "The system don't fail you no more. It's up to you to make something of yourself these days and if you don't, then that's on you."

Cumulative disadvantage, absent intentional racial animus becomes the fault of poor black youth themselves, for not getting ahead in a system that is fair on its face, but deeply unequal in reality. Thank you.

MR. HARRIS: Thank you, Vesla. I think one of the emerging themes we've heard from our panelists is the tensions between race and class. And so I want to briefly discuss before we get to solutions, does class matter more than race?

And the reason why I bring this up is because there's been a lot of attention, as there should be, to working class and poor African Americans, but I want to cite for you a study by the Brookings Institution that looked at class mobility of the black middle class and the white middle class during the 1970s. And what that study showed

is, is that there has been a considerable decline in mobility substantially more among the children of the black middle class, than it has been for white middle class children. So, if class means a great deal -- but, of course, I can talk about the huge wealth that was lost among African Americans during the Great Recession -- half, mostly because their houses are in those neighborhoods that you talked about, Sheryll.

And so, how do we -- if we fix things, like providing much more of a counterbalance against corporations, as Rashad said, if we fix the political institutions that now seem to be dominated by corporate interests, right, as Adam alluded to, can we really uproot those enduring structures, just focusing disproportionately on class? Who wants to challenge?

MS. CASHIN: Well, if I could interject. If your African-American race is definitely more operative in your life than class -- to quote a statistic from Patrick Sharkey's book *Stuck In Place*, that Ta-Nehisi Coates included in his argument about reparations, an African-American family making \$100,000 on average, will live in a neighborhood that's like a neighborhood where a white family making \$30,000 lives, right?

This is why I focus so much on place and geography, and the place where you live determines what you have access to. And it's highly racial. What's different than pre-civil rights America, the state is no longer overtly complicit in creating these structures, but even if the state did nothing else, the structures are there. And black people's housing, even a nice black neighborhood, non-black actors flee black neighborhoods. So where you live affects your family wealth, so race is very, very much embodied in all of this. And so I resist the idea that, well, isn't it just about class now?

MR. HARRIS: Uh-huh.

MS. CASHIN: This was a typical conservative move, particularly when it

comes to poor black people, they want to be able to say, well, if you just worked hard and pulled yourself up by the bootstraps, you could solve this problem. It's your behavior.

MR. HARRIS: Just one other comment because I want to really get to the solutions. So does anyone want to add to that question?

MS. WEAVER: So I hope you don't read me as saying that it's class and not race. I definitely think that it's both. And I don't think it's useful to pit one against each other. I think all the statistics around the black middle class show that they are not equivalent. They live in neighborhoods that are ecologically much different than the white middle class, but I do think that we need to start to think about how race remedies alone were targeted at middle class. They were a middle class strategy, they did nothing for the black poor.

MR. HARRIS: You mean like Affirmative Action?

MS. WEAVER: Why Bockie? Why the Bockie decision received more attention by blacks than John Conyers' advocacy of the Humphrey-Hawkins Full Employment Bill is a total mystery to me. Full employment, I think we need race-based, class-inflected policies that are targeted at the folks that have been most left behind. And so you shouldn't read me as saying this is a class only story --

MR. HARRIS: Okay.

MS. WEAVER: -- and we should give all whites that are in low-income, class-based affirmative action.

MR. HARRIS: I don't want to have the last word on this, but I think --

MR. SERWER: I actually wanted to say something here.

MR. HARRIS: Okay.

MR. SERWER: Well, I think trying to talk about class in the United States without talking about race is like trying to speak English without nouns.

MR. HARRIS: Uh-huh.

MR. SERWER: I think part of the reason it's appealing to people is that I think, politically, it's much easier for politicians to talk about class instead of race because race, to be quite frank, bringing up racial inequality turns a lot of white people off.

MS. WEAVER: It sure does.

MR. SERWER: And so if you speak in class terms, then you're implicitly including the black working class and poor without maybe alienating white people who don't want to hear about how black people have it bad because they also have it bad. And I think politically it's just much easier for politicians to talk like that, they want to avoid questions of race. Even if you look at -- there was a recent study on criminal justice policies and it showed that when white people were shown that criminal justice policies had a much harsher effect of black people, than white people, they're actually more likely to support them.

There's a way in which this politically, even though it's sort of ridiculous to talk about class without talking about race, politically it's just much easier. And it think that accounts for a lot of shape of the conversation.

MR. HARRIS: Yeah, I want to get to question of solutions, but I do want to say something about -- I think we need to be very careful when we say things like Affirmative Action really targeted only the middle class of those who prepare, because I grew up in Atlanta, Georgia, when Maynard Jackson was mayor and I saw working class people through Affirmative Action getting jobs, with high school degrees, as firemen, as police officers, people who were working in city government, and so I think there needs to be some sort of a more finely grained idea about who really has benefited from Affirmative Action because in many ways Affirmative Action for many created opportunities for working class and poor black people that I don't think we oftentimes

(inaudible).

MR. SERWER: I think the fact that when we say Affirmative Action, we're almost never talking about Affirmative Action employment or contracts, we're talking explicitly about elite private schools --

MS. CASHIN: Right.

MR. SERWER: -- where people want their kids to go.

MS. CASHIN: Right, right.

MR. SERWER: I think that is a reflection of the way class drags the conversation and one of the reasons why we don't hear about what you're talking about. We only really want to seem to talk about, is my kid going to get into the college that I want them to go to.

MR. ROBINSON: And to my point around the changing dynamics of who the targets are. If we think about the role that corporations have played in privatizing America.

MR. HARRIS: Right.

MR. ROBINSON: In privatizing everything. Those jobs that were the pathway to the middle class for black folks, the attack on the public sector that has happened --

MR. HARRIS: Uh-huh, that's right.

MR. ROBINSON: -- in this country, and the attack on services that were once the way that the playing field was leveled and how those have been privatized for profit by corporations have been a key tool in driving so many of the gains of the civil rights movement.

MR. HARRIS: Right. So, quickly, let's go to solutions. Sheryl!?

MS. CASHIN: Okay, so given that my main area of expertise and my

main argument about the persistence of racial inequality has to do with disparities with racial segregation and economic segregation in neighborhoods and schools, my favorite public policy solutions have to do with remedying that. My favorite public policy solution with respect to neighborhoods is inclusionary zoning.

There are 400 counties and jurisdictions in this country that have some form of inclusionary zoning, i.e., they mandate or heavily incentivize developers of new housing to be mixed income and something like 5 to 10 percent of the U.S. population lives in communities. The poster child is Montgomery County. Montgomery County is a very diverse county with a lot of people of color and quite a few poor people, but you won't find a single high poverty, hyper-segregated census tract in that county. So that's my favorite policy to deal with residential segregation.

With respect to education on segregation, there I'm a huge proponent of magnet schools. I have my children in the Yew Ying School in Washington, D.C., which is an international baccalaureate, Mandarin emergent school that the principal is black, the largest percentage of kids are black, but you have no one group that is dominant, with 23 percent of the kids on free and reduced lunch. A highly resourced, incredible school of the future that is decoupled from where you live. You do not have to be able to buy your way into a gold standard neighborhood to have access to that.

So there are little utopias. Now, what I want to say very quickly, whatever your favorite public policy is and I don't care what it is, whether it has to do with racial justice, economic justice, de-incarceration, or even just climate change, or even just infrastructure -- getting a damned highway bill passed -- you are going to bump up against a reality of a racially gerrymandered politics in this country. And part of what's happened -- somebody talked about the second redemption, I think it was you, Adam?

MR. SERWER: Yeah, but I didn't come up with that.

MS. CASHIN: All right, it's not your term, but we've had a backlash. Every moment in the American history of racial progress is followed by a backlash and there is a lot of anger and resentment in white communities. Poverty is growing fastest in suburbs today and there are a lot of white folks who are experiencing the kind economic dislocation that has been very familiar to black people for a very long time and there's anger and resentment about not getting ahead and it's just sitting there waiting to be stoked. And it's stoked every day by radio talk show hosts and people who want their votes and my argument -- I wrote about this in *The New York Times* this summer -- is that progressives who want to pursue sane public policy solutions have to figure out how to transcend this.

MR. HARRIS: Uh-huh.

MS. CASHIN: And I hold up examples in my latest book -- yes, I'm shamelessly plugging it --

MR. HARRIS: Go ahead.

MS. CASHIN: -- but that's the quid pro quo for being here. But it's also because I believe in it. As bad and as broken as things are in Washington, there are on the ground in states, multiracial coalitions that have moved policy discussions to a fairer direction. Now, I'm on the board of an organization called Building One America that is teaching people how to create connections of mutuality between urban constituencies and these older, white working class communities to get more of their fair share of infrastructure dollars, of tax dollars, of education dollars.

And my point is that progressives and civil rights communities have to be overt about making those connections and I'll say, a civil rights discourse that's grounded solely in racial disparities is a losing discourse. Racial disparities are relevant to analysis, but if you're trying to build a coalition, just like Adam said, if you lead with racial

disparities, white people are turned off. And I argue that a better way of getting started on building a coalition is to talk about common harms.

And I like this idea, this country, backed by corporations, over-incarcerates high school dropouts of all races and if you talk only about racial disparities, you miss a lot of growing mutuality between economically oppressed white people and people of color.

MR. HARRIS: Thank you. Quickly?

MR. ROBINSON: Yeah, I do think that we do have to talk about race, though.

MS. CASHIN: Uh-huh.

MR. ROBINSON: And I do think the way we can go is to move in the opposite direction and talk solely about class. It becomes a sexy thing to do, but it's actually not good for organizing. People don't see themselves as poor. Everyone sees themselves as the middle class and so then you actually don't build a solid organized base that in moments of crisis you can organize around opportunity.

And so, from an organizing communications perspective, this class thing that feels so sexy, with moveable middle populations, doesn't build us a collective base that builds power for the communities that are most hurt because people don't actually see themselves inside of that story, even if their own worldview sits inside of that.

I see public financing of elections to get to the point where we actually can drive multiracial coalitions on the ground in local communities, inside and outside of elections that can actually push back against corporate power. We're not going to do that as long as our elections are bought, as long as money equals speech in this country, those who do not have money will not be able to have a full and powerful seat at the table.



MR. HARRIS: Adam?

MR. SERWER: Well, so it's probably not appropriate for me to offer policy recommendations. I would say that Professor Cashin is right about -- and I think, in particular, with mass incarceration, there is an expanding sense among white Americans that it's become so large it's touching a lot of people's lives. At BuzzFeed we just published a piece on a skyrocketing rate of juveniles in government custody in West Virginia because they shortened the number of days after which kids would become truant, so you have all these kids in the custody of the state system and West Virginia doesn't have a large black population, so these are not black families that are necessarily being affected, but this is still an issue. This is still an issue in places like West Virginia; it's still an issue in white communities.

And I think even when you look at the criminal justice system -- the Public Religion Research Institute just did a study showing that for the first time the majority of Americans actually think the criminal justice system treats black people differently than white people. So there is, I think, an evolving perception on criminal justice that is fascinating to watch and that is fueled by things like the shooting of Michael Brown or the shooting of Trayvon Martin.

I would caution, though, that there seems to be a very much left/right emerging coalition against the overreach of the criminal justice system, but my guess is that when people start actually doing things to change this, things are going to get a lot more polarized. I would say that in terms of reducing the number of people within the criminal justice system, black and white, probably the thing that has the most potential to do that is the winding down of the drug war and the legalization of marijuana. I think that probably will do a lot, to the extent that it is allowed to continue and becomes policy in states.

MR. HARRIS: Vesla?

MS. WEAVER: Okay, so I have some comments about the criminal justice system, but first I don't want everybody to leave the room depressed, so there are two glimpses of light in this story and I think we are largely at a unique window of opportunity. The window may not be fully open, but it's open at least a little bit, and I say that for two reasons.

The first reason is the aging of the population. We are about to witness a massive exodus of middle class whites out of employment -- out of their jobs, right, as they go towards retirement. I don't remember what the numbers are, but it's several million, okay?

Richard Alba reminds us that this is a moment of what he calls, "zero sum mobility," meaning my occupying of your job does not mean a loss for your children because there aren't enough baby boomer children to fill all of those exiting jobs. So we're actually at this strange moment that doesn't occur very often across the generations where Latinos and blacks concentrated in that bottom third have a shot, if we do the right kinds of policies of taking those jobs without it costing anybody. Without it being seen as a zero sum type of framework, okay? So that's the first window of opportunity.

The second window of opportunity is, I've been writing on criminal justice for over a decade. This is the first time when states across the board are finally revisiting some of their policies, policies that have been around since I've been alive. The first moment when we have a national embrace of a different way, okay? And I think there are things to be said about the Right On Crime movement, but for the first time we've got conservatives who are finally saying, this is fiscally irresponsible. We need to revisit some of the policies we have.

And over the past couple of years, several states have engaged in massive sentencing reform. Several states that had eliminated parole have brought it back. Several states that used to throw technical violators of parole back into prison have started to walk back. Several have reclassified misdemeanor drug arrests into citations, meaning that 50 percent of drug arrests and prosecutions went down in states like California. California's realignment shifted a large -- now, they were under a court order to do that -- shifted a large proportion of prison inmates into local jails and there are some problems with that, to be sure.

Now, I would add a little wrinkle in this story and that is, the build-up we've seen over the past four decades was not due to the war on drugs alone. If you look at the numbers, yes, there were a lot of prisoners that served time that wouldn't have served time in 1970 because of a drug offense. But what we did over the course of the decades that silently helped us build up our prison beds is the federal government sent billions -- during the decade of the 1970s alone, the equivalent of \$28 billion -- to local police forces and state correctional systems to do what? Basically, anything they liked and the outcome was highly predictable. It was that places built up prison beds and once you build them, they are filled. Once you build them, people will come.

So I think one of the key things we can do to cut our incarceration system is to stop the flow of federal monies into state and local governments.

MR. HARRIS: Well, we've got lots of solutions here. So what I want to do now is open up questions, so we have one mic, there it is.

MS. YUONG: My name is Li Young. Thanks for this panel, this presentation --

MR. HARRIS: I'm sorry, could you --

MS. YUONG: My name's Li Young.

MR. HARRIS: What organization are you from?

MS. YUONG: Well, I am a PhD. in economics, but I involve a lot of social issues. A problem of color of changing (inaudible) about my name, but you don't know about the issues because nobody solves the issues. But first, can I ask whether this panel is all black? Are you each -- are you blacks in some way, some percentage?

MR. HARRIS: I can only speak for myself, yeah.

MS. YUONG: Let me assume this because we don't have representation of our population, so this may be a little bias because you don't fight for all, so nobody else fight for you. So must try to bring them together. All the black, they're certainly a minority and it's to be a victim and nobody to help you because -- you know that guy that got shot by police, police got money from local to federal and the federal, you have a black President, you have DOJ, black, and maybe (inaudible) Montgomery County and you have civil rights, and the DOJ civil rights criminal, and they're a minority. You are supposed to ask them to help you.

MR. HARRIS: Okay, so what's the question?

MS. YUONG: But now you have Trayvon Martin, you have Ferguson, I don't think you'll go anywhere. My question is to say, if you can have everybody bring together and all of our Home Defenders League, Occupy Wall Street, they've got no place to talk. Here you have microphone, but there they my check. So I just wonder, if you can bring them all together and have us help them, the elderly, white or black. A lot of elderly they were going to send to the rehab center or jail and their property (inaudible) pension, savings, they're all robbed. So if you can help them, they can help you.

Loans are spent on the corporation because the corporation got a power because they got help from black or white, especially lawyers. There are lobbyists and all kind of lawyers, so they don't help you. NAACP or ACLU publish it and they help

populations, so you don't have public finance.

MR. HARRIS: Okay.

MS. YUONG: That's the wrong way because they are going to have all the money go to the corporations or the wealthy, but they've got money to lobbies.

MR. HARRIS: Okay.

MS. CASHIN: If I could respond to her, I agree with a lot of what you're saying. And this is my argument, I'm working on a new book about the necessity of building multiracial coalitions. So much of civil rights discourse is about black/white or, like I said, emphasizing racial disparity. And when I think increasingly this country is about the economic and racial oppression of struggling people of all colors, and that's what I was arguing.

We need a civil rights discourse that speaks to the mutual oppressions. And I couldn't agree with you more, but I didn't check the panel, right, but one of the opportunities I see with this country, with the rapid demographic change and Asians are the fastest growing demographic group in this country, followed by Latinos, is that it's breaking up this tortured black/white dynamic. And actually, the most integrated neighborhoods in this country are the ones with a lot of immigrants. Something interesting happens when you inject a second or a third group in this long tortured black/white narrative it seems to reduce a little bit, frankly, the lack of comfort on the part of white people with non-white people.

And to add to Vesla's point, the one place that gives me a lot of optimism about the future of this country is that the people under 30 accept that this is going to be a majority/minority country, welcome it, are optimistic about it, want to be part of it, want to live with it. And the ranks of what I call culturally dexterous whites, who are open to this diversity, is exploding. And part of it has to do with the fact that with rapid

demographic change in these other groups that are rising, it is increasingly difficult in places like Washington, D.C. to avoid diversity. You have to learn to live with it. But you have to do overt coalition building between all of these groups.

MR. ROBINSON: I think we also have to agree to just be worried. In study after study, particularly with millennials, we see this level of colorblindness --

MS. CASHIN: Yeah.

MR. ROBINSON: -- that plays itself out, that plays itself out in popular culture in media, that plays itself out in public opinion polling of young people. That we'll have real world implications, in terms of how people actually live and so what I don't want to do is think so much utopia around the next generation of millennials, who did "Yes, we can" as the rising American electorate because they often times don't necessarily, when it's "Yes, we have to do" on race, they're not actually there.

MS. CASHIN: They're a lot better than their parents and much better than their grandparents. (Laughter)

MR. HARRIS: Let's go to another question, but while we go here, I think there's also one thing that we have to remember, what's fundamental about coalitions, it's the norm or the practice of reciprocity.

MS. CASHIN: Uh-huh.

MR. HARRIS: That means that what I'm saying here is that the onus should not always be on the most marginalized or equally marginalized because we also don't see that sort of representation when other constituencies that share particular grievances or concerns when it comes to issues of racial profiling, police brutality -- those are also issues that affect other constituencies, but the question is who is showing up in the streets? What advocacy groups are at the forefront of advocating those concerns, so yes, I'm all for coalitions, but there also has to be some degree of reciprocity in the

process.

Oh, I pick. Let's go in the back? The gentleman --

MR. SKINNER: Hi, I'm Richard Skinner. I'm from American University and I think one of the most striking changes in American society over the past couple of decades, and certainly the one that's very visible here in Washington, D.C., has been the decline in the crime rate. And I think if it had not been for that decline, we probably would not see this growing interest in things like prison reform, drug reform, and so on, although I think it's worth noting that even if conservative elite opinion at the time of Ferguson was very different from what we were used to expecting, which is that they weren't knee-jerk law and order.

Conservative mass opinion was knee-jerk law and order. That said, I don't think we'd be seeing these sorts of movements if we had the crime rates of the 1980s, that people would simply be too afraid because the answer would be to, why can't we have fewer people in jail? The answer would be, because if they weren't in jail, they'd be burglarizing my house.

So a two-parter question, then: What do you see as the future of these issues if the crime rate continues to decline? And what happens if it turns around and starts rising again?

MR. SERWER: I think if the crime rate continues to decline, the prospects for criminal justice reform are pretty bright, but if it starts to rise, you're going to see this break down again along partisan lines and you're going to see things like what you saw in the 1990s. I mean, people don't remember Bill Clinton for this, I think, but his 1992 campaign was explicitly premised on being tough on crime. And it was like an explicit message that he was not one of these old style liberals that was going to tolerate people misbehaving and he was going to crack down hard on the people you were

scared of breaking into your house at night.

And I think if the crime rate rises, we're going to see that again. We're going to see a split in the Democratic party, we're going to see the politics of tough on crime reconstitute themselves along what I think is familiar lines.

MR. HARRIS: Let's go right here.

MS. CHUNG: Jennifer Chung, correspondent, the (inaudible) Media Group. I was just wondering, what's your take on the passable contradictions between the requirements of the protest permit and the 1st Amendment, free of speech? Thank you.

MR. HARRIS: Sorry, the what?

MS. CASHIN: I didn't understand the question.

MS. CHUNG: Yeah, I'm just wondering what's your take on the passable contradiction between the requirement of the protest permit and the free of speech in the 1st Amendment? By the police department, I mean, the protest permit?

MS. CASHIN: Well, this is traditional 1st Amendment law, which I don't teach, the state can put reasonable regulations on speech time, manner, you know, because the state has public health and safety obligations. So you're allowed to protest, but they can require you to get a permit, but the restraints on speech, or the regulations on speech have to be reasonable and the courts police that line.

MR. HARRIS: I want to go back and forth, so the gentleman way in the back there?

MR. STEVE: Hi, I'm Steve. I work and study here in the city; I study IR. Thank you very much. I caught a number of pieces from the panelists -- as if all the eyes are turned in this direction now -- I caught a number of the pieces from the panelists before I appreciated the forum today.



Struggling past the first question, if you want to call it a question, I still find it a little strange. Could you all take a survey of the role in professional and social spaces of the implicit bias survey? That's the first question.

And the second is, to the extent that there was a rise in female applicants in laws schools in the years after President Reagan nominated and secured Mrs. O'Connor to the Court, and affluence in certain pockets of the FM community, when Cosby really started going with his broadcast, is there a Joshua/Obama factor that you guys have noticed for political activism and policy activism in the few years that the President's been seated? And thanks again.

MS. WEAVER: I'll speak to the bias and let everybody else respond. So somebody up here said that we didn't have explicit anti-black bias. That's actually not true. Post-Obama there's been, in polls, a rise in expressed -- not implicit -- expressed anti-black statements. You can find them very easily online, but there was a poll around the time that Obama was running for re-election in which a bare majority, like 51 percent of the voters or the people in this poll expressed explicit anti-black feeling.

Now, the people who ran this poll said that it wasn't the kind of old style Jim Crow racial hatred and antipathy, it was resentment, right? And like I said, in post-civil rights America there's a lot of resentment. Most whites, maybe present company excepted, but a majority of whites believe that the gains of the civil rights movement have come at their expense. And that's what I'm talking about when you've got this toxic -- you're shaking your head, but I'm telling you, you go and look at the polling data and a lot of people feel that way.

In fact, a majority of whites in this country think that anti-white bias is a bigger problem than black and Latino bias.

MR. SERWER: Yep, yep.

MS. WEAVER: This is what they think. This is what's going on in their heads. And that's expressed feelings. And you take in the subconscious, the Harvard Implicit Project makes this clear. Most people in America, including people of color harbor implicit biases, particularly negative stereotypes about black people. And you can -- even black people do, right. So we've just got a lot of stuff going on in this society that makes it very, very difficult to govern effectively and just pursue common sense things.

MR. SERWER: If I could -- because it was me who said and if I could qualify it by saying I think what you see in political discourse is there really is not -- people speak in euphemism when they're expressing anti-black bias, but we're not talking about Theodore Bilbo --

MR. HARRIS: Right.

MR. SERWER: -- or Senator Eastland here. That has been relegated to a kind of social taboo in a lot of spaces.

MS. WEAVER: Yeah, I agree with you. I said it's not Jim Crow style racism --

MR. SERWER: Right.

MS. WEAVER: -- it's resentment. It's not this inferiorization, it's resentment, you know?

MR. ROBINSON: But the well that conservative media continues to go to, to race bait people --

MS. WEAVER: To stoke it. Absolutely, they do it every day.

MR. ROBINSON: To stoke it. My organization, in the middle of our ALEC campaign -- the American Legislative Exchange Council -- Edelman PR was hired by ALEC to turn me and my dimples into angry black man and had Michelle Malkin --  
(Laughter)

MS. WEAVER: It's cute.

MR. ROBINSON: Thank you, you and my mom. (Laughter) But to see the people who are on mainstream political television shows using the same language that was showing up on white supremacist blogs, that Southern Poverty Law Center was calling us about, and seeing the racial coded language being channeled from what was supposed to be mainstream, where it no longer exists, to what is on the outskirts to where we know it does exist tells us that there is a lot still happening underneath it all.

To see Pat Buchanan, who just up until two and a half years was on MSNBC as a paid political analyst until he called President Obama's mom an ethno-masochist. And we were running our campaign and we had to look it up, what is an ethno-masochist? We sort of put the words together because we can do that, but the only place we saw that show up was on white supremacist's blogs. And he went on Diane Rehm on NPR and said that. And so to the extent that this language is still used to mobilize, organize, and the well is still there and is a political effective one, particularly in mid-term elections, which we will see right now, in which we, as we're working on this election, continue to see the ads that are popping up in low stimulus elections.

I want caution us in thinking that we sort of jumped over some sort of hurdle. We may be standing on top of it and it's teetering.

MS. WEAVER: Can I add to that? And this isn't to take away from the fact that there is still very much explicit, those studies are very sound. But I'm very concerned about implicit racial bias by, actually, liberal whites, and you see this in routine decisions of daily life.

So, for example, you know, most of the integration that has occurred residentially has not been whites moving into black neighborhoods, not even whites moving into 15 percent black neighborhoods. Whites still -- liberal, highly educated

whites -- still prefer neighborhoods that are less than 10 percent black. Until that changes, right, and when you look at the survey experiments around this, whites see neighborhoods with black residents as being more criminal, more disorderly, even controlling for the actual facts of the neighborhood. It's one of the areas where our sort of social science moorings breakdown.

So several of my colleagues do not send their kids to New Haven public schools. Why? Because it could affect their kids. Well, so far as I know, the research shows that there's nothing -- if you are highly educated yourself and you've got income, there's nothing about being around low-income black kids that affects your child's test scores. It's just simply not there. The social science evidence does not support it. And yet, routinely, people are making decisions to avoid neighborhoods that are moderately integrated for fear of what? I don't know. And until that breaks down, you are going to continue to see sort of hoarding of resources within highly segregated neighborhoods. The best schools, the best neighborhood resources, the best businesses concentrated in a very small subset of America, and I'm very deeply concerned about that.

And so I would caution us to not sort of say, well, the conservative villains in the room and those, you know, old Jim Crow style racists, because actually studies have shown that liberal, highly educated whites, you know, have almost uniformly white social networks. Right? Have almost uniformly white neighborhoods. And the only integration that has occurred has been Latinos moving into black neighborhoods.

MR. HARRIS: So I guess we're going to duck the Obama question and go to the next question. Right here.

MR. EDMUNDS: My name is Eddie Edmunds, the former ambassador of St. Lucia. All my education has been right here in the United States from bachelor's up to Ph.D. at Cornell.

I got the impression -- of course, we all know it's a multiracial society, so when you talk about reflecting on race in America, it occurs to me, and I may be totally wrong, I haven't done the research, that the so-called Afro-Americans, that is the black Americans, so to speak, are not taking fullest advantage of the educational system. For example, the Asians who come here, the Caribbean people that I know who have come here take a greater advantage of the system and do very well. And these are people from poor families, et cetera, et cetera.

With all the institutions, including the black institutions, I get the distinct impression by just observation that the black Americans are not taking fullest advantage of what is being offered. Any comment on this?

MS. WEAVER: Actually they're not coming from -- Asians aren't coming to this country from poor backgrounds for the most part. When they come here with H-1B visas, they're coming as highly skilled, highly educated. So when you're making comparisons to immigrants, you really have to compare apples to apples. Black Americans are not coming from that immigrant past, where they're coming from a situation of higher education. So that's my read on the data.

MS. CASHIN: The same is true of African immigrants. Let me tell you --

MS. WEAVER: Exactly.

MS. CASHIN: -- I mean, at least when you speak of documented immigration, you know, undocumented immigration may be different, but, on average, African immigrants and I suspect West Indian, as well, they have a higher educational background than all American subgroups, including Asian Americans. So, you know, this is one of the things I talk about in my book.

Native black Americans tend to live in much more segregated environments than African and West Indian immigrants, but particularly African

immigrants. African immigrants tend to live -- all black immigrants tend to live in more integrated settings with better educational opportunities. And, you know, it's easy to sort of suggest that native black Americans aren't taking advantage of all the opportunities available, but the fact is that, on average, the educational opportunities are much worse.

There's a lawsuit that's out of L.A. that's getting a lot of attention where people sued to challenge the tenure system. I mean, there are some schools in these poor neighborhoods where 90 percent of the teachers are teachers that got fired elsewhere, the higher opportunity people wanted to get rid of. And the poor neighborhoods where, you know, most of the black kids are, they have to go to the schools, you know, that are the dumping grounds. And anybody with choices would flee, right?

So not to say that striving still isn't rewarded in this country. I do think that it's still rewarded, but it's really important to understand, you have to be superhuman -- superhuman -- to overcome some of these serious structural, unfair disadvantages in this society if you're black and poor.

MR. HARRIS: And also, I just want to chime in before we go to the next question that an interesting thing to look at, to think about that striving and structural barriers that may be in place despite that striving is what happened to second- and third-generation Caribbeans.

MS. CASHIN: Yes.

MS. WEAVER: Absolutely.

MS. CASHIN: Yes, yes.

MR. HARRIS: Their performances are no different than native African Americans in cities like New York City.

MS. CASHIN: And one of the few immigrants, both Africans and

Caribbeans, one of the few immigrant groups that performance goes down after they get here.

MR. HARRIS: Exactly.

MS. CASHIN: And which is a reflection on so many things.

MR. HARRIS: The lack of resources and other things.

So, I know you've had your hand up for a while.

MS. SCHWARTING: Hi. Leah Schwarting, Talk Radio News. You talked a lot about policy and the criminal systems and everything like that. I was wondering, giving the events in Ferguson and everything that's been happening there, if you could speak a bit more to the police departments specifically.

MR. ROBINSON: Well, what about them?

MS. SCHWARTING: More about what they could be doing to improve, certain initiatives, things like that.

MR. ROBINSON: Well, I think, you know, what you saw in Ferguson, historically, has a lot of precedent. And one of the ways that things like Ferguson happened is you have a mostly black neighborhood that is politically underrepresented and is policed by an overwhelmingly white police force. I mean, those factors are present in almost every post-World War I instance of racial unrest in the United States. And so I think one thing that's really important and something that actually a lot of police departments have been better at, which is why you don't see things like this in L.A. or New York when they happen, is that the police departments have become more integrated. And I think that's something that places like Ferguson and other municipalities who have not really done well with that could probably do in order to prevent things like that from happening.

MR. SERWER: I think that's a piece of it. And you brought this up

earlier in terms of what the federal government can do or does do in terms of incentivizing or de-incentivizing good policing at the federal level: There's no national standard around anti-bias training. And so Montgomery's police department says they do anti-bias training, New York's department says they do anti-bias training, and everyone checks it off to get their funding.

The first sort of box that departments check when they're getting their federal funding is one around drug arrests -- Did you increase drug arrests? -- with no data around how they actually did it. So it's why stop-and-frisk then gets incentivized, right, because how do you increase drug arrests? You don't go into the Upper West Side or the Upper East Side to increase your drug arrests so you continue to get federal funds or you increase your federal funds. You go into neighborhoods that have less political power and are going to be able to push back less politically.

And so there's a host of things that in terms of how federal dollars flow into local police departments, not to mention this sort of militarization of our police departments without proper training, that incentivizes or de-incentivizes how local departments do their work on a regular basis, so you get Fergusons all around the country. You get Fergusons all around the country and you get communities that are in harm's way and are enemy -- black communities and brown communities who are enemy combatants in their own communities with their police departments.

MS. WEAVER: I would just add to that that I find it shocking that in this day and age of technology most police outfits still do not keep detailed records on who they're stopping, who they're arresting, what they're doing to them when they stop them, what kinds of complaints are being lodged, and that most large city police forces, the first thing that happens when somebody comes to complain about being stopped unfairly is they look up whether the person has warrants in the system. That does not legitimacy



inspire, right? That does not lead to better community-police relations.

So I would say immediately set up either local or state-level databases that can be accessed, keep track, keep detailed records of what's going on. And the second thing is set up civilian review boards that have binding enforcement power --

MS. CASHIN: Yes, absolutely.

MS. WEAVER: -- that are not just sort of toothless, but that can actually monitor what's going on.

MR. HARRIS: And the gentleman back here at the end has had his hands up, with the two fingers. There's a mic coming.

SPEAKER: You've all touched on the importance of political representation, so as the prison reform movement continues what opportunities do you see at the grassroots level or the state level for uniformity in restoring political suffrage rights for those that have been imprisoned as the felons come out of jails?

MR. ROBINSON: Well, I'd like to tell you I'm optimistic about that, but I think with the exception of maybe Rand Paul, I don't think that there's a conservative constituency for making it easy to restore the voting rights of formerly incarcerated people. I think that there is a lot -- you know, when you look at the sort of conservative elites who shape opinion about voting and who should be able to vote there is a tremendous amount of hostility to the idea that people who were once imprisoned should be allowed to shape society to their preferences or interests. And so I think that's something that, you know, in certain spaces might be able to be done, but I don't think it's something that's -- we're not going to see some sweeping national re-enfranchisement legislation, I don't think.

MR. SERWER: And it's such a complicated issue. You know, it's one of the first issues I worked on in my early organizing work. And because it's such a

patchwork of laws around the country, you know, even doing the advocacy around it gets confusing, right? And if we start to do national communications around that work, we start making people think they can't vote when they can vote in certain states. And I think there's only like five states where you lose your right to vote for life, and this becomes this patchwork of laws: parole or probation, how many years, certain types of crime. And it becomes such a real complicated thing to both message and advocate around and build the type of public will. And so it's going to be a state-by-state work.

But I do think that as we build the type of political coalition that's necessary to bring about progressive change, those are the types of issues we have to work on. When you look at what happened in 2010, when conservatives, when Tea Party folks took over state houses all around the country, the first laws they put on the books were not like the tax policy stuff. They were the discriminatory voter ID laws. They were ending early voting or ending same-day registration, all the structural things that made voting and participation and our voice much harder to exercise.

MS. WEAVER: North Carolina just passed a thing saying outlawing Sunday voting, which is when most blacks go and vote after church, right? I would add that it's not just formal disenfranchisement that is actually disenfranchising. It's informal.

So I did a lot of research for my recent book on this and, in many places, the folks that we interviewed had no idea that they actually were allowed to vote. When they did know that they could vote, many of them expressed this sort of politics of avoidance, where they felt like they needed to keep a low profile because if they went to vote, they might be locked up for something else. And so there was like this whole legion group of folks who could vote, but decided not to for fear of coming under state supervision again, and that's really hard to fix. I'm not really sure what you do. You can pass -- you can revisit voter disenfranchisement laws until you're blue in the face, but that

sort of subtle politics of avoidance and sort of staying under the radar is something that we're going to have to reckon with.

MR. SERWER: Well, it's not just subtle, it's stoked, right? Like we ran a campaign in 2012 to get billboards that were put up in black communities all through -- to get billboards taken down that were put up in black communities throughout Wisconsin and Ohio that said voter fraud is a felony. And, you know, in Maryland and Ohio and Florida, a number of states, you see in black communities flyers put on cars that say if you owe child support, don't show up. If you have outstanding tickets, don't show up to the polls, you could be arrested, which is untrue. But, in fact, you know, these things create a level of doubt in people's minds. And so it's subtle, but it's also stoked, as well.

MR. HARRIS: So, unfortunately, we are up against the clock. I think this has been one of the most interesting panels about the discussion about the persistence of racial inequality that I've attended in a while. And yes, we've come a long way. We've got a long way to go. We managed not to say that during this time.

But I really want to thank the panelists for a very interested and engaging conversation. (Applause)

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CERTIFICATE OF NOTARY PUBLIC

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