

K I R W A N

Update

I N S T I T U T E

Spring/Summer 2004

ABOUT THE INSTITUTE

The Kirwan Institute for the Study of Race and Ethnicity is a university-wide interdisciplinary research institute. Its goal is to deepen our understanding of the causes of and solutions to racial and ethnic disparities and hierarchies. This includes an explicit focus on Ohio and the United States, but also the Americas and our larger global community. Our primary focus is to increase general understanding that, despite many differences, human destinies are intertwined. Thus, the Institute explores and illustrates both our diversity and common humanity in real terms.

The Institute brings together a diverse and creative group of scholars and researchers from various disciplines to focus on the histories, present conditions, and the future prospects of racially and ethnically marginalized people. Informed by real world needs, its work strives to meaningfully impact policies and practices.

The Institute also focuses on the interrelatedness of race and ethnicity with other factors, such as gender, class, and culture, and how these are embedded in structures and systems. Collaboration with other institutions and organizations around the world and ongoing relationships with real people, real communities, and real issues are a vital part of its work.

The Institute employs many approaches to fulfilling its mission: original research, publications, comparative analyses, surveys, convenings, and conferences. It is part of a rich intellectual community and draws upon the insight and energy of the faculty and students at Ohio State.

While the Institute focuses on marginalized racial and ethnic communities, it understands that these communities exist in relation to other communities and that fostering these relationships deepens the possibility of change. It is the sincere hope and goal of all of us that the Institute gives transformative meaning to both our diversity and our common humanity.

*“Despite many differences,
human destinies are intertwined.”*

– from the Kirwan Institute Mission Statement



An update of activities from the Kirwan Institute for the Study of Race and Ethnicity

Q&A on Opportunity-Based Housing

At a recent conference, Professor John A. Powell spoke about integrated housing. Two pressing questions arose, and the Kirwan Institute staff members responded collaboratively. Research Associate **Becky Millard** merged the various responses.



Q1. If whites keep moving and taking the opportunity with them, what is the path to integrated housing?

A1. These are very good questions; however these questions conflate two issues: racial integration and integration into the opportunity structure. What allows access to opportunity and choice is always mediated through structures. These structures are facilitated by institutions and our government, so perhaps the first question is, “What structures afford people who are white mobility but decrease the mobility of marginalized racial and ethnic groups in the housing market?” Choices and privileges are too often given to people of certain phenotypical characteristics and are not given to others in the same manner. If you take away choices and privileges, you actually change the connotative meaning of “whiteness.”

It may be helpful to begin by establishing what determines opportunity as well as a few of the factors that limit people from accessing opportunity-rich neighborhoods. Opportunity as it relates to integrated housing includes, but is not limited to, access to meaningful employment (transit), educational resources (local school funding), and housing that appreciates in value and provides an asset base (tied to school quality). Some of the factors limiting individuals from accessing opportunity-rich neighborhoods include the cost of housing (tied to local school quality and local land use policies) and physical access (linked with the poor public transit system in the U.S.).¹

The relationship between housing and opportunity demands that we not overlook other mechanisms tied to opportunity, such as education. The local public education system is one of the biggest factors in determining where families choose to live². Further, personal education level and quality often affect mobility and job opportunities. Quality of education is just one illustration of the inextricable relationship between housing and other opportunity structures, such as transportation and education. We cannot expect to fully remedy housing without disrupting the other structures that reinforce inequity; however in the interest of keeping our response pithy, we will focus primarily on housing.

In our society, nearly everything has been commodified, and housing is no exception. In America housing isn't a right, it is a bought and sold privilege, and the mechanisms of exchange are intimately tied up and co-created by exploitation. Housing functions both as a commodity (consider that the federal government uses it as a primary economic indicator of the national economy) and an asset (it is the primary investment most Americans make). As an asset, many homeowners fear decreasing home values and the resulting loss of equity. This fear has been exploited in the past to segregate neighborhoods by race and is now used to further segregate neighborhoods by economic status. Individuals are afraid that the incorporation of multi-family units or low-income houses into their neighborhood will have a devastating

(continued on page 2)

effect on their home's value, and, as a result, they fight against the incorporation of such properties.³ Policies are structured around this fear, such as exclusionary zoning practices that mandate

that communities (suburbs) consist of low-density, single-family housing rather than encouraging mixed-income, mixed-density housing.⁴ Current tax credit programs also continue subsidizing the building of more low-income housing in already impoverished, segregated areas. In order to address this trend, the home rule authority for local governments needs to be challenged; locally directed planning and zoning policies are blocking access to opportunity-rich areas. Exclusionary zoning is real and rampant in suburban areas, and regionalized land use control is needed to remedy this problem.

This being said, the path to integrated housing must be taken carefully. It is important when discussing community revitalization that gentrification be considered. Gentrification is a real and pervasive way in which integration can take away opportunities from neighborhoods and residents. One example of this can be seen in the PBS documentary *Flag Wars*, where in Olde Towne East, a Columbus, Ohio, neighborhood, middle-income African Americans who have resided there for generations are being displaced. With gentrification, once whites begin reoccupying economically depressed inner-city areas, poverty and lack of opportunity get pushed around the region, and there is a noticeable shift of the poorest areas to first ring older suburbs. With a regional approach rather than a localized approach, we can put controls in place to prevent gentrification, connect people to opportunity region-wide, and create mixed-income areas with attractive features.

None of these suggestions is impossible. These policy solutions exist, but there is little political will to implement them in the U.S. The constraints on political discourse in this country are limited and narrow. The various legal and political filters we have set up allow such a limited range of opinions through that perfectly reasonable



Q2. Why should we pursue it continually?

A2. No matter what the racial constituency, integrating housing in middle-class to upper-middle-class neighborhoods should be pursued based on laws, such as the Fair Housing Act, that have been instituted to make sure that we at least attempt to have an “equal-opportunity society.” We are a racially and ethnically diverse country, and our communities should reflect this. Instead, proposing mixed-income/mixed-density neighborhoods and suggesting that white suburbs should lose their enclave status incite fear and resistance among white homeowners.

If we don't work toward overhauling current structural arrangements, we might be fated to pursue equity continually, instead of obtaining it. We need to revise our current structural arrangements in order to create a true democracy and in order to guarantee to everyone those certain inalienable rights: life, liberty, and the pursuit of happiness. Opportunity in American culture has typically been associated with the ability to seek and attain happiness—at least, happiness based on wealth, work, and education. Segregation, marginalization, and denying individuals access to opportunity based on their race and/or ethnicity inarguably have a profound impact on those inalienable rights.

Justice Antonin Scalia in *Grutter vs. Bollinger et al* argues that a diverse student body promotes “cross-racial understanding” and “better preparation of students for an increasingly diverse workforce and society” ultimately rendering us better Americans and better civil servants.⁷ The high court realizes the importance of integration as a goal in and of itself, recognizing that ours is a diverse country and that gaining a cross-racial understanding actually makes us better citizens. This holds a tremendous amount of promise of moving forward; if this can be recognized as a feasible goal to pursue, it opens the doors for a greater understanding of the need for a more integrated society.

and rather conservative solutions (things already in place in many other countries) seem ludicrous and impossible to implement here. For example, Switzerland has one of the most well integrated transportation infrastructures in the world. The majority of Swiss residents live within a mile of local, regional, or national rail transportation, and every citizen in Zurich, the country's largest city, lives within a quarter mile of a bus or rail station. Furthermore, each of Zurich's inhabitants uses public transportation more than 500 times per year.⁵ In contrast, in the United States we continue to experience cutbacks in mass transit subsidies, and fares continue to increase, disproportionately harming people of color who constitute 60 percent of public transport users.⁶ Public transportation in the United States also perpetuates the spatial mismatch between housing and jobs, as public transportation is either inadequate or nonexistent in the suburbs of most cities. The solutions that we pursue to remedy issues such as inequities in housing and transportation are reasonable given our constraints but are not rational given the greater issues at hand. We need to recognize these constraints and begin to draw from the greater availability of solutions, which lie outside our current ideological and political boundaries.

Footnotes

¹ John A. Powell, “Opportunity-Based Housing,” 12-WTR J. *Affordable Hous. & Cmty. Dev. L.* 190, 191.

² U.S. Census Bureau; “American Housing Survey for the United States: 2001, (Table) 2-11. Reasons for Move and Choice of Current Residence-Occupied Units”; published October 2001, www.census.gov/prod/2002pubs/h150-01.pdf.

³ Massey, D.S. and N. A. Denton (1993). *American Apartheid: Segregation and the Making of the Underclass*. Harvard University Press, Cambridge, Mass.

⁴ *Arlington Heights vs. Metro Hous. Dev. Corp.*, 429 U.S. 252 (U.S. 1977) is one example of a challenge against exclusionary zoning policies. The court ruled that discriminatory purpose was not a motivating factor, and, subsequently, the discriminatory “ultimate effect” was without independent constitutional significance.

⁵ Marie, Joe. (2003, April). “Why Zurich Is a Model for Public Transportation” [electronic version]. *Metro Magazine*. Retrieved April 21, 2004.

⁶ Bullard, R. D., Johnson, G.S., and Torres, A.O. (2000). “Race, Equity, and Smart Growth: Why People of Color Must Speak for Themselves.” Retrieved April 22, 2004, from the Environmental Justice Resource Center web site: www.ejrc.cau.edu/raceequitysmartgrowth.htm#trans%20equ.

⁷ *Grutter vs. Bollinger*, 123 S. Ct. 2325 (2003).

How Affirmative Action Works Around the World

By Marguerite Spencer, Senior Researcher, and Nile Hull, Research Assistant

The Kirwan Institute is dedicated to researching and understanding issues with race at their root, not only in the United States, but also around the world. Recently, Marguerite Spencer, Kirwan Institute senior researcher, began an examination of the different reasons for and methods of implementing affirmative action around the world. Among the countries studied were Canada, India, the European Union, South Africa, Brazil, Australia, and New Zealand. Many of these countries are quite different from the United States, but the history of race-based discrimination in all of them has left populations behind and without the resources to succeed. We highlight briefly a few programs aimed at increasing opportunities for such populations in India and Canada.



Affirmative Action Programs in Canada

To avoid association with American debates surrounding the term “affirmative action,” the phrase

“employment equity” is utilized in Canada. The purpose of employment equity is to render the Canadian workforce reflective of the population and to correct conditions of employment disadvantage experienced by aboriginal people, people with disabilities, members of any visible minority, and women.

Unlike affirmative action in the United States, employment equity does not spark constitutional debates in Canada because the Canadian charter explicitly authorizes such programs. To guarantee equal treatment under the law, Section 15(2) explicitly allows “any program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability.”

Most importantly, Canada’s Federal Employment Equity Act requires employers to become proactive in making their workforce more equitable. The act covers four groups under four programs: Legislated Employment Equity Programs, The Federal Contractor Program, Separate Employers Initiative, and the Equal Pay Program.

Under Legislated Employment Equity Programs, the federal government must comply with employment equity as applied to federally regulated employers.

The Federal Contractor Program (FCP) covers provincially regulated employers with a national workforce in Canada of 100 or more employees. The FCP applies to contractors who win bids for federal government goods or services contracts of \$200,000 or more. In order to bid on these large federal contracts, contractors must show in writing their commitment to employment equity. Compliance with the program is ensured by a national and regional workplace equity staff that conducts on-site compliance reviews of the contractors. If a contractor refuses to comply, they lose the right to bid on federal contracts.

The Separate Employers Initiative covers public service employers who have at least 100 employees. This includes the Canadian Forces and the Royal Canadian Mounted Police. Finally, the Equal

Pay Program is aimed at eliminating sex-based wage discrimination that exists in the Canadian workforce.

In 2001, the most recent year with data available from the Royal Commission on Equality in Employment, under the Act there has been a modest increase in representation levels in the workforce. The representation of women increased from 43.8 to 44.8 percent. During the same period, the representation of aboriginal employees increased from 1.5 to 1.6 percent, while visible minority employees increased from 10.7 to 11.7 percent.

Affirmative Action in India

Affirmative action in India is referred to by several names including “compensatory discrimination” and “reservations.” These programs were created in an attempt to improve the lives of groups who have been historically discriminated against in Indian society.

The most disadvantaged group in India has always been the Shudras, or “untouchables,” the people placed at the lowest level of the Hindu caste system. The caste system is divided into four different classes, or Varnas, as follows: the Brahmins, priest and scholars, are the highest class; the Kshatriyas, the kings and warriors; the Vaishyas, the merchants and business class; and the Shudras. The caste system regulates social codes, behavioral patterns, and especially occupations. Historically, untouchables



were segregated from the rest of the population, with limited or no access to schools, temples, wells, shops, eating places, and other public facilities.

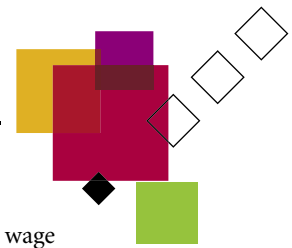
In 1949, the Indian government officially abolished the concept of untouchability. The caste system is no

The history of race-based discrimination has left populations behind and without the resources to succeed.

longer strictly obeyed, and the government has given untouchables and other discriminated against groups, referred to as “scheduled tribes” and “other backward classes,” many rights. Unlike that of the United States, the constitution in India expressly provides for affirmative action. One goal when constructing their constitution was to create a system of “compensatory discrimination” so that untouchables would be able to become integrated with the rest of society. The constitution also allows for “reservations,” or quotas, which exist in education, civil service programs, and

legislative seats. The Indian Supreme Court has placed a 50 percent limit on reservations for what they call backward classes. Even with this great latitude, it is unclear that these programs are improving the lives of India’s historically discriminated against populations. Rather, they appear to benefit only an elite group who fail to represent their counterparts. Compensatory discrimination is also highly politicized. There have been riots and other forms of violence in Indian states to protest it.

The social stigma of the old system of untouchability is still present in India today. Despite the efforts of the government, the untouchables remain the poorest citizens, rarely own land, often do not have access to wells, and are illiterate. Segregation practices persist, and abuse is common. Even with governmental support, it will take years of social change before the entire Indian society embraces “untouchables” as equals.



Celebrating 50 Years of *Brown vs. Board of Education*

In commemoration of the 50th anniversary of the *Brown vs. Board of Education* decision, in which the United States Supreme Court legally mandated the desegregation of schools in this country, The Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University chose to highlight personal meanings of *Brown* by asking leading university administrators, academicians, students, and researchers what the *Brown* decision means to them.



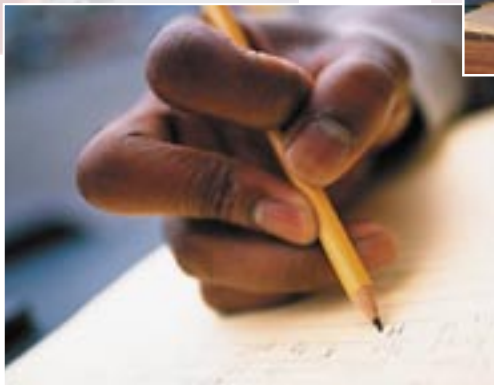
Karen A. Holbrook
President
The Ohio State University

We grow up with biases about people and the way things should be, and we may hold onto those biases if our range of experience is narrow and we don't step out of it and make an effort to move beyond. For some, it is easier to accept what others passed on to them as "the right way" to think, and thus they sustain biases about people they don't know and don't try to know, and even worse, prejudices. It often takes events we do not control to expose us to a new experience and the opportunity to learn the value of change. *Brown vs. Board of Education* was such an event that opened a door and forever changed the learning environment for higher education and well beyond, into all learning environments, basically into *all* environments. Those who understood what was the right thing to do in passing the resulting legislation may not have been able to foresee the extraordinary social and economic benefits they were creating for the nation.



Dr. Frank W. Hale, Jr.
Vice Provost and Professor Emeritus,
The Ohio State University

I was a student in Topeka, Kansas, during the 1930s and 1940s, and I vividly remember the educational inequalities of the schools I attended, which were inferior in their facilities and lacking in such basic classes as art and music instruction. Even the desks were battered hand-me-downs from white schools that no longer found them useful. The *Brown* decision gave me an inspirational lift in our struggle for human dignity. It represented the culmination, at least for the moment, of a drama in which my parents, along with other parents, had with determination and defiance urged, challenged, and bucked the white power structure in Topeka. Riding on the impact of the *Brown* decision early on in life, I committed myself to steeling myself to counter the proponents of racism and gradualism. My passion for justice has proved large enough to allow me to champion some significant causes for justice during my career.



Professor Sheryll D. Cashin

Professor of Law, Georgetown University

The *Brown* decision represents an idea that is fundamental to our democratic values. It recaptured or re-imagined Thomas Jefferson's vision of common schools: the idea that there should be at least one institution in American society that provides a common experience of citizenship and equal opportunity, regardless of the lottery of birth, on a free and open basis to all. Clearly we have failed to live up to *Brown*; indeed, we are not even living up to the repugnant principle announced in *Plessy vs. Ferguson* in 1896. Our schools are separate, but hardly equal.

Dr. Jimmy Kim

Research Associate, The Civil Rights Project, Harvard University

After attending college and graduate school, I accepted a teaching position at Luther Jackson Middle School in Fairfax County, Virginia. I chose to teach at Jackson because it was one of the most ethnically and culturally diverse middle schools in that entire county. Diversity at Jackson wasn't always so. For nearly 10 years after *Brown*, it was the only secondary school in northern Virginia attended solely by black students. However, when I arrived at Jackson Middle School as a history teacher, minority students represented nearly half of the student body and included a very even percentage of Asian, black, and Latino students from over 20 different countries.

In many ways, Luther Jackson Middle School was living out the dream of *Brown* by educating all students to reach high academic standards in preparation for a successful life in our multiracial democracy. Teaching American history in a multiracial school that was equipping all students for success is an experience I will always hold dear.

Professor Douglas S. Massey

Princeton University, Department of Sociology

I was 2 years old when the *Brown* decision was handed down, and I grew up in a town without African Americans, so for me the struggle for civil rights was something that one supported but quite distantly. It didn't become personal for me until I read the *Autobiography of Malcolm X* in my social studies class as a senior in high school. It opened my eyes to another America, and since then I have worked to bring about the vision of an integrated society that *Brown* envisioned, but which we still have not achieved.

Aaron Jackson

High School Senior/Salutatorian, Young Scholars Program Participant at The Ohio State University

When I look back at history, the *Brown vs. Board of Education* decision was very important to all black people. The decision started desegregation in schools and led to a better life for all blacks. The decision has led us to where we are now as African Americans living in the United States. If the *Brown vs. Board of Education* decision was never made things would not be the way they are now in America.

Reading UP on Brown

- *Oliver Brown et al vs. Board of Education Topeka Kansas, 1954*
- Jack M. Balkin (ed.), *Have Said: The Nation's Top Legal Experts Rewrite America's Landmark Civil Rights Decision* (New York University Press, 2001)
- Derrick Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform* (Oxford University Press, 2004)
- Michael K. Brown, Martin Carnoy, Elliott Currie, *Whitewashing Race: The Myth of a Color-Blind Society* (University of California Press, 2003)
- Sheryll D. Cashin, *The Failures of Integration: How Race and Class Are Undermining the American Dream* (Public Affairs, 2004)
- Robert J. Cottrol, Raymond T. Diamond, Leland B. Ware, *Brown v Board of Education: Caste, Culture and the Constitution* (University Press of Kansas/Lawrence, 2003)
- Claire Cushman, Melvin I. Urofsky, ed., *Black, White and Brown: The Landmark School Desegregation Case in Retrospect* (CQ Press, 2004)
- Edmund W. Gordon, *The State of Black America 2004, "State of Education in Black America"*
- *Grutter v Bollinger et al.*, 2003
- George Jacobs, *Getting Around Brown: Desegregation, Development, and the Columbus Public Schools* (Ohio State University Press, 1998)
- Douglass S. Massey and Nancy A. Denton, *American Apartheid* (Harvard University Press, 1993)
- Charles J. Ogletree, Jr., *All Deliberate Speed: Reflections on the First Half-Century After Brown v Board of Education* (W.W. Norton & Company, 2004)
- Charles J. Ogletree, Jr., *The State of Black America 2004, "Brown at 50: Considering the Continuing Legal Struggle for Racial Justice"*
- Professor John A. Powell, "A New Theory of Integrated Education" (to be published)
- *U.S. News & World Report*, "50 Years After Brown: Achievement For All?" March 22, 2004

Photo: Rhonda Bauer





COADA – an OSU student organization circa 1944

New Look for Kirwan Institute Web Site

By Eric Stiens, Research Associate

We have redesigned the Kirwan Institute web site! Visit www.kirwaninstitute.org for historical pictures depicting early racial diversity at The Ohio State University as well as diversity represented across the globe. Our new navigable site map should make things easier to find. Let us know.

Now that our first year is under our belt, we will be greatly expanding the content on our site. We've already added downloadable maps and graphs, sorted by region and issue, and our new multimedia section has audio and video clips from interviews with our director. We also have application forms for our new small grants program. Look forward to our expanded section on regionalism, which will contain guides, teaching materials, and details on the numerous regional planning projects we are working on in an advisory capacity. We welcome you to utilize our message board to pose questions and concerns or discuss Kirwan research with others.

Also, now added to the web site is our searchable resource list, which is a list of research organizations, advocacy groups, and international non-governmental organizations working toward racial justice. With the ability to search by geographical location, type of organization, and issue focus, we hope the resource list will be a useful tool to encourage collaboration between like-minded groups. This database will also be expanded in the future in partnership with the Harvard Civil Rights Project.



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For questions or comments about this publication, please contact Kirwan Update editor, Mellody Parchia, at (614) 292-2634 or by e-mail at parchia.1@osu.edu.

New Staff Members

Dr. Hasan Kwame Jeffries joined the Kirwan Institute in autumn 2003. A native of Brooklyn, New York, Dr. Jeffries received his bachelor of arts in history from Morehouse College in Atlanta, Georgia, his master's in American history and his doctor of philosophy degree in twentieth century American history from Duke University in Durham, North Carolina. Dr. Jeffries specializes in twentieth century African American history and has an expertise in the Civil Rights Movement and post-World War II African American protest. His current book project investigates the black freedom struggle in Lowndes County, Alabama, best known for giving birth in 1966 to the Lowndes County Freedom Party, an all black, independent, political party popularly known as the original Black Panther Party. His most recent work, an essay entitled "Organizing for More Than the Vote: The Political Radicalization of Local People in Lowndes County, Alabama, 1965-1966," investigates the process that led ordinary black folk in Lowndes County to challenge white power in uniquely radical ways. This essay will appear in *Groundwork*, a book published this fall by NYU Press. Dr. Jeffries has received several fellowships in support of his research, including a 2002-2003 Bankhead Fellowship in the history department at the University of Alabama in Tuscaloosa, Alabama. Professor Jeffries holds a joint appointment in the Department of History.



Denis Rhoden is a student research associate for the Kirwan Institute. He earned a bachelor of arts in psychology and urban planning from Binghamton University, located in his hometown of New York. Research he conducted at Binghamton on the bifurcation of black communities within the city was incorporated into the book, *Race and Place: Equity Issues in Urban America* (2003). Denis is currently pursuing his master's degree in city and regional planning from The Ohio State University. He also serves as a Columbus Urban League Research Fellow utilizing spatial mapping techniques to increase the understanding and discussion of the various social and economic experiences of local Columbus residents. He is a member of Gamma Theta Upsilon, international geographic honor society.



Marguerite L. Spencer is a senior researcher at the Kirwan Institute. She spent the previous six years at Institute on Race & Poverty at the University of Minnesota Law School, where she specialized in education, welfare reform, housing, and criminal justice issues. Her most recent published work, *Brown Is Not Brown and Educational Reform Is Not Reform if Integration Is Not a Goal*, was co-authored with Professor John A. Powell. Marguerite is also adjunct lecturer in theology at the University of St. Thomas, where for the past 13 years she has taught required courses as well as Theology and Public Discourse and The Christian Faith and the Legal Profession. She received her JD from the University of Minnesota Law School and her AMRS degree from the University of Chicago Divinity School.

