



Transforming Culture — An Examination of Workplace Values Through the Frame of White Dominant Culture

By Merf Ehman, Executive Director¹
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culture noun cul·ture \ˈkəl-çər \
b : the set of shared attitudes, values, goals, and practices that characterizes an institution or organization²

Every organization has its own culture. It is “the way we do things around here.” Some of it is written down and some of it is not. As legal aid organizations consider issues of diversity, race equity and inclusion, we have begun to examine the culture of our organizations.



At Columbia Legal Services (CLS), we started looking at our culture in depth after we conducted a 2012 diversity survey.³ That survey found that

over three in four employees witnessed inattention to diversity issues that created negative consequences for staff morale and staff retention. This finding was in spite of an active Inclusion, Diversity and Multi-culturalism committee (IDM). We were hiring diverse staff, but not retaining them. We had a statement on IDM issues and conducted regular trainings for staff, but significant issues remained. In the survey, the highest level of satisfaction at our organization was among staff who identified themselves as white, male, heterosexuals. Other groups reported consistently lower satisfaction rates. While satisfaction rates among these groups was discouraging, the level of engagement and attentive critique that staff provided in survey comments revealed a collective desire to grapple with the complex and difficult issue of diversity in the workplace.

As a result of the survey, we revamped our internal volunteer-staffed IDM committee and renamed it the Equity Committee, and formed several subcommittees

one of which was the Culture Committee. The Culture Committee discussed how to improve staff morale and change the culture at CLS. This committee really struggled to get to the root of the problem and how to address it. We discussed many ways to improve our culture and be more inclusionary — reading a book with a diversity or equity theme together, having more equity trainings, conducting another survey, including IDM issues at staff meetings, figuring out ways to learn more about each other and encouraging staff to exchange ideas and communicate about these issues. We undertook most of these activities. Staff enjoyed them and we learned more about each other and about IDM issues, but after more than two years of implementation we had not experienced a significant change in retention rates of diverse staff. There remained some morale issues as well. We had made forward progress in expanding our range as an organization on IDM issues but significant challenges remained.

In other words, we became aware of a problem and acted to fix it. This is exactly one of the problems with what are identified as white cultural norms — “we gave into the pattern of moving from awareness to action without taking the necessary steps that help us to be more effective and successful in reaching our vision and goals.”⁴ Looking back what we failed to do was to undertake an analysis of our organizational culture, norms, and power relations.⁵ We did not take time out to reflect on our values as an organization — both explicit and implicit. While we were “good people” trying to make change for the better, we did not consider the dynamics of internal racism, power relations or the need for accountability to people and communities of color. We also did not examine how these issues played out in our advocacy. While we

celebrated having a diverse staff and board and had made progress on these issues, we had not yet specifically analyzed our organization through a race equity frame or as an institution working in a legal system that had regularly and systematically reinforced white supremacy.⁶

As we undertook this next analysis, we reviewed our office culture through the lens of “white culture.”⁷ (This analysis continues as this is not a static straight-forward process.) Under this frame, the norms of an organization are examined by looking at dominant cultural norms to see how they play out at work. There are a series of questions that can be asked to help one pull out these underlying assumptions about what is “normal.”⁸ For example, we asked what do we consider the characteristics of a “good” employee? How are people informed about this standard? Are there unwritten rules about this? Is a good employee someone who works long hours or someone who sets good boundaries around work? Is a good employee someone who separates their personal and work life or someone who integrates their life as a whole? Is a good employee someone who does not work when they are sick or someone who tries to work from home or comes in even if ill? Is a good employee someone who comes to work on time or someone who works a flexible schedule? Or both or neither?⁹

Our organizations often have values about how people should work and how they should behave without considering how these values were developed. At our organization we continue to think about these questions so that we can be more conscious about what we value and why. This type of evaluation is imperative when trying to make our organizations inclusive because “listing characteristics of white supremacy culture is to point out how organizations which unconsciously use these characteristics as their norms and standards make it difficult, if not impossible, to open the door to other cultural norms and standards.”¹⁰ These characteristics are “interconnected and mutually reinforcing —perfectionism, a sense of urgency, defensiveness and/or denial, quantity over quality, worship of the written word, the belief in one right way, paternalism, either/or binary thinking, power hoarding, fear of open conflict, individualism, progress defined as more, the right to profit, objectivity, and the right to comfort.”¹¹ These characteristics are particularly valued in the legal profession.¹² Below on page 43 is a chart about some of the values and behaviors of white culture at work. The chart does not cover all fifteen characteristics, but information about them all can be found in the resources in the end notes.

This summary chart is based on the Dismantling Racism 2016 Workbook, as well as the information and experiences I received at a recent training — Undoing Racism from People’s Institute for Survival and Beyond, and mistakes I have made.¹³

Understanding this framework is essential: [O]rganizations which unconsciously use these characteristics as their norms and standards make it difficult, if not impossible, to open the door to other cultural norms and standards. As a result, many of our organizations, while saying we want to be multi-cultural, really only allow other people and cultures to come in if they adapt or conform to already existing cultural norms. Being able to identify and name the cultural norms and standards you want is a first step to making room for a truly multi-cultural organization.¹⁴

We started this process by creating caucus teams that included the Collective (made of persons of color in the organization) and a White Allies group. Participation in either team is voluntary. The Collective sent a letter to all staff pointing out the ongoing problematic issues in our organization and calling for us to become #OneCLS. This letter was painful for some white staff to read and process; others were excited that this conversation was happening and some attributed it to “whining.”

Following this letter, the Collective developed a second letter containing suggested solutions. Management implemented the suggestions that it could right away and the rest were addressed through a two-month staff-wide process where management stepped aside except to provide support and information as needed. Staff formed teams to address each issue area and draft suggested policy or process changes. We held our first annual Equity Day in 2017 where the staff presented their proposals to everyone. Following this work, we set out to implement the policies.¹⁵ Everyone in the organization had a chance to comment on them. Part of this work also included starting the process of adopting restorative justice values into the internal work of our organization. We also all worked together at our subsequent staff retreat to adapt values for how we interact with each other #OneCLS. These include:

1. We choose to be conscious of our differences and the uniqueness of others
2. We choose to be accountable for our impact
3. We choose to listen with kindness and compassion
4. We choose to communicate with respect

5. We seek to understand before rushing to judgment. We try to see this process as an unfolding ongoing journey that we are taking together as an organization. We are moving toward becoming a transformative and anti-racist organization.¹⁶ We are not there yet, but this is our vision:

Based on an analysis of the history of racism and power in this country, this organization supports the development of anti-racist white allies and empowered people of color through the organization's culture, norms, policies and procedures.

The Anti-Racist Organization integrates this commitment into the program, helping white people work together and challenge each other around issues of racism, share power with people of color, take leadership from and be accountable to people of color, feel comfortable with being uncomfortable while understanding that we are all learning all the time.

The Anti-Racist Organization helps people of color become more empowered through taking leadership, sharing in the power, transforming the organizational norms and culture, challenging white allies and other people of color, sharing in decisions about how the organization's resources will be spent, what work gets done as well as how it gets done, the setting of priorities, and allowing people of color to make the same mistakes as white people. The organization does this by forming white and people of color caucuses, providing training and encouraging discussions about racism, white privilege, power, and accountability, setting clear standards for inclusion at all levels of the organization, reviewing the mission, vision, policies, procedures, board agreements, etc., to insure that the commitment to end racism is a consistent theme, helping people to understand the links between the oppressions, and devoting organizational time and resources to building relationships across race and other barriers.¹⁷

We are excited about this work going forward. Our internal transformation process will impact how we undertake advocacy and what we focus on. We hope to instill these principles in all of our work. This process has not been linear or comfortable. We have looked to other organizations who are leading in this area. We

in legal aid are in the process of changing our cultural values from those steeped in white law firm culture to ones rooted in transformation and anti-racist work. Ours is but one story among many other legal aid organizations taking on this work. We look forward to hearing your stories.

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- 2 Merriam-Webster, <https://www.merriam-webster.com/dictionary/culture>.
- 3 We had a response rate of over 90%.
- 4 Dismantling Racism 2016 Workbook, dR Works, p. 41. <https://resourcegeneration.org/wp-content/uploads/2018/01/2016-dRworks-workbook.pdf>
- 5 From White Racist to White Anti-Racist, Tema Okun, dR Works <https://wwhatsup.files.wordpress.com/2014/10/wwhatsup-week3-readings1.pdf/>
- 6 Dismantling Racism 2016 Workbook, p. 9-15; Race — The Power of an Illusion, Film Transcript for Episode 3 (sets out the ways policies and subsequent related court decisions advantaged certain groups over others) http://www.pbs.org/race/000_About/002_04-about-03-01.htm; History of Racism and Immigration Time Line, Racial Equity Tools (stops at 2005) <http://www.racialequitytools.org/resourcefiles/racismimmigration-timeline.pdf>; A History of Racial Injustice, Equal Justice Initiative (through 2010) <https://racialinjustice.eji.org/timeline/2010s/>; <http://www.eraseracismny.org/structural-racism-timeline>.
- 7 We also created an Race Equity Toolkit for advocacy, but that work is beyond the scope of this article. I am happy to share the toolkit.
- 8 http://www.racialequitytools.org/images/uploads/N_White_Culture_Handout.pdf.
- 9 *Id.*
- 10 Dismantling Racism 2016 Workbook, p. 28; Tena Okun, From White Racist to White Anti-Racist — The Lifelong Journey, p. 19. <https://wwhatsup.files.wordpress.com/2014/10/wwhatsup-week3-readings1.pdf>.
- 11 Okun, Tema Jon, Ph.D. *The Emperor Has No Clothes: Teaching About Race and Racism to People Who Don't Want to Know*. (2010) at p. 42.
- 12 *Id.* at 43 ("[O]ne young [law] student spoke for her

Values of White Culture at Work

Value	Issues Related to the Value	Antidote
Individualism^{ix}	<ul style="list-style-type: none"> ■ Staff are asked to work in teams, but do so in name only ■ Discomfort working as a team ■ “Accountability, if any, goes up and down, not sideways to peers or to those the organization is set up to serve” ■ Focus on individual successes and achievements ■ Creates feelings of isolation ■ Feeling in offices that there is not a team, but rather several solo practitioners sharing space ■ Little time or resources devoted to developing skills in how to cooperate or work collaboratively ■ “Creates a lack of accountability, as the organization values those who can get things done on their own without needing supervision or guidance” 	<ul style="list-style-type: none"> ■ Provide training and support for collaborative work and thinking i.E. Teach people how to work in teams ■ Include teamwork in our values ■ Explain and make explicit the ways team work improves outcomes ■ “Evaluate people’s ability to work in a team as well as their ability to get the job done” ■ Support a culture where it is the norm to bring an issue to the group rather than have it be solved by an individual ■ Create an atmosphere where all meetings (staff, intake, case review, project or team meetings) are used to solve problems rather than just report information
Objectivity^x	<ul style="list-style-type: none"> ■ Assuming policies are neutral and objective without conducting an analysis of possible racial implications ■ Seeing emotions as removed from decision making processes ■ Prioritizing or requiring linear and logical thinking over other types of thinking or imagining 	<ul style="list-style-type: none"> ■ Appreciate everyone’s way of seeing and thinking about the world and how that impacts the way their understanding of the world ■ Understand that discomfort with different approaches or ways of thinking can be a positive experience ■ Listen ■ Start with the assumption that everyone has a valid point ■ Try to understand that point

Table Notes

- i Dismantling Racism 2016 Workbook, p. 28-35.
- ii *Id.* at 28.
- iii *Id.* at 29.
- iv *Id.*
- v *Id.*
- vi *Id.* at 30.
- vii *Id.* at 33, 35.
- ivii *Id.* at 33.
- ix *Id.*
- x *Id.* at 34.

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- group, sharing that the list represents all the characteristics taught by law schools as essential to success in the profession.”)
- 13 <https://www.pisab.org/our-principles>. I have provided end notes for each grouping in the chart that cover the entire section of that chart. I have placed quotes where the quote is direct. Most of the ideas come from the work cited. There are a few places where I list specific problems or solutions based upon my experience.
- 14 *Id.* at 35.
- 15 The policies are available if requested.
- 16 See n. 4 at 31-33; People’s Institute Handout, Continuum on Becoming an Antiracist Multicultural Institution.
- 17 *Id.* at 30.



Addressing Bad Behaviors in Your Civil Justice System

By Nan Heald, Executive Director¹
Pine Tree Legal Assistance

Understanding the Problem

Pine Tree Legal Assistance currently has thirty-nine attorneys, primarily litigators who regularly appear in state court civil proceedings. Of this group, twenty-two



are under the age of forty and sixteen are women. Many have joined us in the past two years, often with experience in other jurisdictions, although some are recent law graduates.

In mid-October of 2017, I was sitting at a “new staff” training, listening to the mandatory sexual harassment training required for all new employees under state law in Maine. As the trainer reviewed our policy² and elements of an unsafe workplace, I started thinking about the problematic encounters between our staff and people we *don’t* employ, especially certain opposing counsel notorious for their belligerence and hostility to our staff. In talking with the trainer about strategies to address outside actors, she encouraged me to share these concerns with our Chief Justice. Although I wasn’t focused on it at the time, I’m sure her thinking was inspired in part by Rule 2.3 of the Judicial Canons,³ which holds that a judge shall require lawyers in proceedings before the Court to:

“refrain from manifesting bias or prejudice, or engage in harassment based on attributes including ...race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status or political affiliation against parties, witnesses, lawyers, court staff or others.”

Back in my office, I emailed all of our staff attorneys to request examples of unprofessional or inappropriate behaviors that had happened to them or which they had observed in the recent past. Some

immediately sent back examples of physical or verbal harassment and intimidation; others initially denied having these experiences until I shared examples from their colleagues. “*Oh well, that has happened to me too*” was a common refrain in conversations — suggesting that these behaviors have become so normalized that attorneys no longer perceive them as harassment. I also alerted our Board to this process and quickly learned that an attorney member almost left the practice of law in Maine because of these experiences as a new lawyer.

What Does This Look Like?

Virtually all new staff attorneys report encountering hazing-type behaviors during their initial court appearances, in which opposing counsel denigrate them, their clients and/or their legal arguments. It is common for staff attorneys to be told that they are committing malpractice or that they just don’t understand how to be a lawyer in Maine courts. Sometimes, the opposing counsel uses inappropriate nicknames (e.g., “sunshine”) when talking with them about the case. The most common problematic behavior involves physical intimidation and/or loud or clearly inappropriate remarks about the program staff attorney or client, and this is more clearly directed at women. The following incidents reflect actual staff experiences:

- Having to tell opposing counsel not to touch her during negotiations;
- Being grabbed by opposing counsel and told to stay in a specific location in the court hall so that they would be available when he was ready to begin negotiations;
- Being in a small court conference room with attorneys who were acting physically aggressive and/or screaming at the Pine Tree attorney;
- Being in a mediation where an opposing counsel stood up, banged on the table and leaned over the staff attorney while yelling “You women make up domestic violence to get the upper hand in

divorce;” the mediator did nothing in response;

- Having opposing counsel smirk and make sexually suggestive comments, either when Pine Tree insists on a hearing (e.g. “Aren’t you a bad girl...”) or when he does (e.g., “I’ll let you punish me for this later...”).

Gratuitous comments on the physical appearance of women attorneys are also common, even from a senior member of the bar who represents victims in employment discrimination complaints (e.g., “Are you one of the Pine Tree babes?”) Staff also described their discomfort listening to older male attorneys tell off-color jokes while waiting for court to start. Virtually all women also perceive differences in how the local bar treats male attorneys, regardless of how long the women have practiced law in the community. Greeting men by name (whether employed by Pine Tree or not) while ignoring the female attorney standing next to him is common statewide.

Next Steps

Our Chief Justice was willing to quickly schedule a meeting with me to talk about the initial information I’d gathered from staff. We were joined by the other woman on our seven member Supreme Judicial Court and the three of us talked for more than an hour. The justices shared their own experiences as new attorneys in the 1980s, were immediately ready to address the problem and agreed to conduct a series of conversations about these issues with other judges and court personnel (including mediators, marshals and court clerks). We also agreed that Pine Tree was unlikely to be the only employer experiencing these problems and that we needed a vehicle to put this issue on the radar of other attorneys in the state. After pondering various options, I agreed to draft an article on Pine Tree’s experiences for a statewide legal newsletter, *Maine Lawyers Review*, which was published in late November.

In the article, I also shared how we were supporting staff with these experiences. For instance, our staff orientation for new and younger staff attorneys now addresses the likelihood of behaviors by opposing counsel that seem designed to intimidate or disrupt staff advocacy on behalf of program clients, or which are simply inconsistent with usual professional norms. The orientation is designed to assure staff that the bad behavior they experience is not personal to them and that staff should not internalize it or allow it to impact their own professional response. Before their first court experiences, staff are specifically cautioned to anticipate

derogatory remarks, raised voices, and various forms of physical intimidation. Staff are advised to remain in the court hallways during negotiations, because of increased vulnerability to these behaviors in small conference rooms. Experienced Pine Tree attorneys and program managers also routinely debrief with new attorneys to mitigate the impact of these encounters when they occur.

And Then What Happened?

Like the MeToo movement nationally, momentum around this issue in Maine has steadily increased since the article was published. Within a few days, I began receiving “MeToo” emails from current lawyers in Maine, as well as those who once practiced here and then moved away. The Women’s Law Section of our state bar association launched a series of informal gatherings for local attorneys to share experiences and brainstorm solutions. The Maine State Bar Association issued Guidelines of Professional Courtesy,⁴ specifically noting that “*Effective representation does not require antagonistic or obnoxious behavior..... Honor, respect, civility and courtesy are the hallmarks of professional behavior.*” The Maine Trial Lawyers Association added an Ethics CLE on this topic to their 2018 annual statewide conference. The spring 2018 gathering of federal and state court judges will feature a panel on the topic, which may lead to further discussion or training at the annual State Judges College in the fall.

In December, the Supreme Judicial Court was poised to take action on a version of ABA Model Rule 8.4(g)⁵ that would have specifically stated that unlawful harassment and unlawful discrimination constitute professional misconduct. Many of the comments suggested this proposed standard was insufficient to address the problem in Maine, arguing instead that Maine should embrace the full language of the proposed Model Rule. Pine Tree’s comments urged Maine to follow the recent example of Vermont, which both adopted the full language of the ABA model rule and provided detailed commentary on its rationale:⁶

[3] *Discrimination and harassment by lawyers in violation of paragraph (g) undermine confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others. Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a*

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sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of paragraph (g).

[4] Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business, or social activities in connection with the practice of law...

The initial proposed language of Rule 8.4(g) in Maine was withdrawn in late December and the Advisory Committee is now working on new language.

Conclusion

Consistent with our mission to support justice for all, legal aid programs should already have strong, clear policies prohibiting bias and harassment of employees and volunteers.⁷ If your program does not have such a policy and a clear reporting mechanism that ensures the behaviors are promptly and fully addressed, that should be corrected immediately. Public notices and regular staff training on this issue also create an opportunity for program discussions about problems in the larger community that may warrant your attention.⁸

If your Court has not yet acted on ABA Model Rule 8.4(g), look for the opportunity to comment on that issue. In the absence of a clear standard, our professional responsibility standards in Maine are currently insufficient to keep far worse behaviors in check, as with the recent case of an attorney who was only suspended after sending videos of himself masturbating to his female court-appointed client.⁹

And while concern about the impact of these behaviors on our staff is clearly warranted, legal aid providers should worry even more about the impact on low-income unrepresented litigants, who certainly are also experiencing this conduct and may well assume that this is simply how lawyers and the legal system operate.¹⁰

For all of these reasons, start a conversation on this topic with Court leaders in your state (and feel free to reference Maine's Chief Justice Saufley as a point of contact on this issue). The Court's involvement is key in conveying to the larger legal community that this is not just a problem for legal aid, but is a problem for the

state's justice system. In Maine, that helped convince bar leaders who might otherwise have dismissed the issue as Pine Tree's inexperienced attorneys whining about "zealous advocacy" by more experienced lawyers. It also helps underscore the need to ensure that judges, magistrates, mediators, marshals and clerks are held to the same high standards in their interactions with the litigants and other members of the legal community.

And let's hope that 2018 marks the point at which these behaviors began to slow or stop.

- 1 Nan Heald grew up in Maine and has been the Executive Director of Pine Tree Legal Assistance since 1990. After graduating from George Washington University Law School in 1980, she worked for the federal government, for a private law firm and as a staff attorney for Pine Tree's Native American Unit. Nan may be reached at nheald@ptla.org.
- 2 LSC has an excellent and detailed Equal Employment Opportunity policy embedded within its 2015 Code of Ethics and Conduct which addresses all forms of harassment in the workplace.

Harassment: For the purposes of this policy, any unwelcome verbal, non-verbal, or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile, or offensive work environment as a result of an individual's protected trait(s) under applicable federal, state, or local law. Examples of harassment include, but are not limited to:

Verbal — Epithets, negative or derogatory statements, threats, slurs, comments, stereotyping, or jokes regarding a person's protected trait(s).

Non-Verbal — Inappropriate gestures, distribution or display of any written or graphic materials, including calendars, photographs, posters, cartoons, or drawings that ridicule, denigrate, insult, belittle, or show hostility or aversion toward an individual or group because of their protected trait(s).

Physical — Assault, unwanted or inappropriate physical contact, including, but not limited to, pushing, slapping, poking, punching, shoving, blocking normal movement, or purposely bumping into an individual.

Sexual harassment applies to males sexually harassing females or other males, and to females who sexually harass males or other females. Examples of sexual harassment include, but are not limited to:

Verbal — Epithets, derogatory statements, sexually degrading words to describe an individual, slurs, threats, sexually-related or suggestive comments or jokes; unwelcome sexual advances, propositions, suggestions, move-

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ment, or physical action; requests for any type of sexual favors; sexual innuendoes; lewd remarks; gossip regarding an individual's sex life; comments on an individual's body or dress; comments about an individual's sexual activity, deficiencies, or prowess; inquiring into an individual's sexual experiences; or discussion of one's sexual activities.

Non-Verbal — Distribution or display of any written or graphic material, including calendars, posters, cartoons, or drawings that are sexually suggestive, or that show hostility toward an individual or group because of sex; suggestive or insulting gestures, sounds, leering, staring, and whistling; obscene gestures or content in letters, notes, facsimiles, and e-mail; or with lyrics or dialogue of a sexual or offensive nature.

Physical — Unwelcome, unwanted physical contact, including, but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling or sexual assault.

Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, or intimidating may also constitute sexual harassment.

<https://www.lsc.gov/sites/default/files/attach/2015/09/LSC-Code-of-Ethics-and-Conduct-2015-01-24.pdf>

- 3 https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct/model_code_of_judicial_conduct_canon_2/rule2_3biasprejudiceandharassment.html.
- 4 <http://www.mainebar.org/page/Guidelines>
- 5 https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_4_misconduct/comment_on_rule_8_4.html
- 6 <https://www.vermontjudiciary.org/sites/default/files/documents/PROMULGATEDVRPrP8.4%28g%29.pdf>
- 7 The legal community in Maine is not diverse; in jurisdictions with more diversity, harassment and bias on the basis of race, ethnicity, national origin or religion may also be prevalent.
- 8 In Maine, both workplace posters and regular training on sexual harassment are required. <http://legislature.maine.gov/statutes/26/title26sec807.html>
- 9 <https://bangordailynews.com/2018/01/23/news/court/south-portland-attorney-suspended-for-sexting-client/>
- 10 An informal survey of domestic violence and sexual assault agency staff in Maine has confirmed that Pine Tree's experiences are also shared by their advocates and clients in courthouses around the State.



Relearning America's History of Race — A Beginner's List of Resources

Contributions from the MIE Journal Committee

"No one is going to give you the education you need to overthrow them. Nobody is going to teach you your true history, teach you your true heroes, if they know that that knowledge will help set you free." — Assata Shakur

Introduction

As we have tried to re-educate ourselves about the history of race in the United States, we have been awed by the number of books, films, and other powerful sources for this reorientation. We start by acknowledging that these are individual perspectives from MIE *Journal* Committee members and that everyone should create their own learning path. Most of the authors and creators of these books and movies, very powerful and skillful writer-teachers, are people of color. Listening to these voices is the heart of this journey, both substantively and symbolically. Here is a starting point — a list of resources that we have explored. We hope that this can be the beginning of an effort under the auspices of the *Journal* to share ideas about books, movies and other sources of perspective on our deeply troubled history and the efforts of so many to overcome it.

John Tobin and Joann Lee
MIE *Journal* Committee Members

BOOKS

- *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander. This groundbreaking book that helped bring the issue of mass incarceration into the national agenda is a powerful blend of history, data, and advocacy about the enduring and pervasive racism in the American legal system.
- *The Warmth of Other Suns: The Epic Story of America's Great Migration*, by Isabel Wilkerson. With compelling personal stories and historical analysis, Wilkerson describes the quiet but momentous movement in the first half of the twentieth century of millions of African Americans from the viciously segregated South to the cities of the Northeast, Midwest and Pacific Coast, where they encountered new forms of segregation and exclusion.
- *Between the World and Me*, by Ta-Nehisi Coates. This memoir, written in the form of a letter to Coates' son, eloquently and painfully reveals the anguish and anger inherent in the lives of contemporary African Americans. Also see his article, "The Case for Reparations," in the June 2014 issue of *The Atlantic* in which he argues that the legacy of centuries of slavery and segregation must be addressed through a program of reparations: "Until we reckon with our compounding moral debt, America will never be whole."
- *The Half Has Never Been Told*, by Edward E. Baptist. Baptist is a professor of history at Cornell who has studied slavery's role in the development of the national American economy. Baptist emphasizes the centrality of the interstate trade in slaves to the regional and national economies. As the cotton economy grew in the Deep South, almost one million slaves were forcibly removed from the Upper South to feed the demand for slave labor.
- *The Known World*, by Edward P. Jones. This historical novel, which won the Pulitzer Prize for Fiction in 2004, is set in Virginia during the 1850s. The main character is Henry Townsend, a Black farmer and former slave. The novel analyzes the cruelties of slavery from a variety of perspectives.
- *The Underground Railroad*, by Colson Whitehead. In this novel (which won the Pulitzer Prize in 2016), the author tells the astounding journey of a young slave who is trying to escape from a sadistic plantation owner and a demonic slave hunter. He portrays the evils and brutality of slavery across the South, as well as the pervasive violence faced by African Americans in the supposedly "free states" of the North.
- *Sing, Unburied, Sing* and *Salvage the Bones* by Jesmyn Ward. Both of these novels are set in contemporary Mississippi, where the author grew up and still lives.

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The cruel history of Mississippi hangs heavily over the lives of families who are coping with blatant racism, bleak local economies, and, in *Salvage the Bones*, the devastation of Hurricane Katrina.

- *Blood Done Sign My Name*, by Timothy Tyson. This book, which was a National Book Critics Circle Award finalist, is a true account of an evening in May 1970, in Oxford, North Carolina, when Henry Marrow, a 23-year-old Black veteran, walked into a crossroads store owned by Robert Teel and came out running. Teel and two of his sons chased and savagely beat Marrow, then shot him to death in public as he pleaded for his life. The author learned of this event the next day from the boastful account he was given by Teel's other son, his 10-year-old playmate. The author's father, the pastor of Oxford's all-white Methodist church, courageously urged the town to come to terms with its bloody racial history.
- *Evicted: Poverty and Profit in an American City*, by Matthew Desmond. Evictions hurt poor people, and they hurt poor people of color the most. The book also talks very directly about how African American neighborhoods are the creation of racism by landlords, who provide less and charge more for units in Black neighborhoods than in white neighborhoods.
- *We Too Sing America*, by Deepa Iyer (<https://thenewpress.com/books/we-too-sing-america>). Racial justice advocate Deepa Iyer examines anti-immigrant and anti-Muslim hysteria targeting South Asian, Arab, Muslim, and Sikh people, in the wake of 9/11. She explores a series of recent racial flash points from the 2012 massacre at the Sikh gurdwara in Oak Creek, Wisconsin, to the violent opposition to the Islamic Center in Murfreesboro, Tennessee, a to the Park 51 Community Center in Lower Manhattan. Iyer asks whether hate crimes should be considered domestic terrorism and explores the role of the state in perpetuating racism through detentions, national registration programs, police profiling, and constant surveillance.
- *The Spirit Catches You and You Fall Down*, by Anne Fadiman. This book follows a Hmong American refugee family as they navigated and interacted with the U.S. health care systems in caring for their young daughter's severe form of epilepsy. It explores the many cultural conflicts and misunderstandings that occurred between the family and medical staff, and offers a background in Hmong culture, customs and history.
- *The Color of Success: Asian Americans and the Origins of the Model Minority*, by Ellen Wu (<https://press.princeton.edu/titles/10134.html>). This book provides an overview of the Asian American experience in the U.S., from being viewed as the "yellow peril" to emerging as "model minorities." This award-winning book is an insightful interpretation of race, racial dynamics, stereotyping, politics and history.
- *Hip Hop Desis: South Asian Americans, Blackness, and a Global Race Consciousness*, by Nitasha Sharma (<https://www.dukeupress.edu/hip-hop-desis>). Written by a professor of African American Studies and Asian American Studies at Northwestern University, *Hip Hop Desis* examines young South Asian American hip hop artists exploring their own identities and incorporating South Asian languages, instruments and immigrant themes. The book also explores the racial consciousness of these South Asian American artists and their connections with the Black community and experience.
- *Where is Your Body? And Other Essays on Race, Gender, and the Law*, by Mari Matsuda (<http://www.beacon.org/Where-Is-Your-Body-P1182.aspx>). Written by one of the leading experts in critical race theory, this book of essays powerfully expresses how identity and experiences can affect our understanding of the law.
- *American Born Chinese*, by Gene Luen Yang (<http://geneyang.com/american-born-chinese>). This graphic novel incorporates the Chinese American experience and the struggle to overcome racial stereotypes and come to terms with a multifaceted identity. Yang tells three stories in a playful and symbolic manner through a famous Chinese fable, a Chinese American boy, and a white American boy who has a Chinese cousin.
- *Black Feminist Thought*, by Patricia Hill Collins. This book is known to be the essential primer for Black feminist thought and includes work by Angela Davis, bell hooks, Alice Walker, and Audre Lorde.
- *An African American and Latinx History of the United States*, by Paul Ortiz (<http://africanamericanand-latinxhistory.com/>). Spanning over two and a half centuries, this book illustrates how African American and Latinx communities were key driving forces in the development of the United States. Ortiz explores largely untold stories on the Haitian Revolution, the Mexican War of Independence, the Reconstruction Era and other historical events.
- *This Bridge Called My Back*, by Cherríe L. Moraga

and Gloria E. Anzaldúa. This anthology is written by feminist women of color in a variety of writing styles about race, sexuality, language, love, and identity.

- *The Beginning and End of Rape: Confronting Sexual Violence in Native America*, by Sarah Deer (Muscoogee Creek), a lawyer, professor, and advocate who has worked for victims' rights and sexual violence prevention for decades. The book is a collection of critical essays on violence against Native women and the destruction of tribal legal systems.
- *Persepolis*, by Marjane Satrapi. *Persepolis* is an autobiography done in the form of a graphic comic about the author's childhood up to her early adult years in Iran during and after the Islamic Revolution. A film adaptation was released in 2007.
- *Alchemy of Race and Rights* and *The Rooster's Egg*, by Patricia Williams. These books by Columbia Law School Professor Williams explore race, identity, stereotyping, and legal and human rights. Interweaving her own personal and extraordinary life experiences, Williams offers a foundation for understanding critical race theory.
- *Woman, Native, Other: Writing Postcoloniality and Feminism*, and other works by Trinh Minh-Ha (<http://trinhminh-ha.com/>). Minh-Ha is a Vietnamese filmmaker, a literary theorist and a professor at Professor of Gender & Women's Studies and Rhetoric at the University of California, Berkeley.
- *Latina Legacies: Identity, Biography, and Community*, by Vicki L. Ruiz and Virginia Sánchez Korrol. This book documents the lives of fifteen remarkable Latinas, including entrepreneurs, activities, organizers, educators, artists, and entertainers, over the course of two centuries, who influenced historical movements and events.
- *Hope is Unseen*, by Ron Suskind, who shadows Cedric Jennings from Ballou High School in DC to Brown University on scholarship and the race/cultural/class issues Cedric deals with in the process.

FILMS

- *I Am Not Your Negro* (2017). This documentary about James Baldwin focuses on his reflections on the lives and deaths of three close friends, Medgar Evers, Malcom X, and Martin Luther King, Jr. It juxtaposes interviews of Baldwin with contemporary references to the Black Lives Matter movement.
- *Loving* (2016). This film is based on the couple whose marriage was at stake in *Loving v. Virginia*, the U.S Supreme Court case that struck down Virginia's prohibition of inter-racial marriage in 1967. The movie shows how harsh racism continued into the middle 1960s and how remote and ponderous the legal system was as the Lovings tried to preserve their family.
- *Who Killed Vincent Chin* (1987). This documentary by Christine Choy and Renee Tajima-Peña examines the life of Vincent Chin, a young Chinese American, who was assaulted and killed by white unemployed autoworkers in a racially motivated attack in 1982. The assailants believed Vincent was Japanese and responsible for their unemployment and the declining U.S. automobile market. Despite confessing to the crime, the perpetrators never served a day in jail. The story of Vincent Chin sparked a national Asian American civil rights awakening.
- *The Grace Lee Project* (2005). Director Lee travels the United States to investigate those who share her very common Asian American name, interviewing a diverse range of women, including Chinese American activist Grace Lee Boggs. With humor and wit, the documentary explores race, culture, and stereotypes within the Asian American community.
- *Gook* (2017). Filmmaker Justin Chon provides a different perspective on the 1992 Los Angeles Civil Unrest through the eyes of a Korean American family.
- *Maria Full of Grace* (2004). This film is about a young Colombian woman, struggling with poverty, who becomes a mule to transport drugs to the United States.
- *Real Women Have Curves* (2002). This film follows the life of eighteen year-old Ana García, living in East Los Angeles, and struggling to fulfill her family duties and dreams of going to college.
- *13th* (2016). Ava DuVernay's documentary focuses on the criminalization of Black people in the U.S. and about the U.S. prison systems. The title is based off the Thirteenth Amendment that "abolished" slavery and involuntary servitude, except as punishment for a crime.
- *Drunktown's Finest* (2014), by Sydney Freeland. Freeland, a queer and trans Navajo filmmaker, follows the lives of three young people living on the Navajo Reservation: a young father-to-be, a transgender woman who dreams of being a model, and a woman who was adopted by a white Christian family.
- *One Day at a Time* (2017 reboot). This Netflix series focuses on issues facing the Latinx community, including veterans' struggles with mental health issues, sexuality, gender identity, sexism and religion.

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ARTICLES/LAW REVIEW/OTHER RESOURCES

- *Why Race Matters: LatCrit Theory and Latina/o Racial Identity*, by Enid Trucios-Haynes (2000) (<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1182&context=blrlj>).
- *Latino and Latina Critical Theory: An Annotated Bibliography*, by Jean Stefancic (1997) (<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1611&context=californialawreview>).
- *Race Files, A Project of CHANGELAB*, (www.racefiles.com). With a focus on Asian Americans, Race Files contains essays, articles, and other resources on a wide range of anti-racism topics. One example is *25 Years After Sai-Gu*: <https://www.racefiles.com/2018/01/03/twenty-five-years-after-sa-i-gu-multiracial-politics-in-times-of-crisis/>, which examines local and global multiracial politics in the context of the 25th year anniversary of the 1992 Los Angeles Civil Unrest.
- *After 50 years of 'Asian American,' advocates say the term is 'more essential than ever'*, <https://www.nbcnews.com/news/asian-america/after-50-years-asian-american-advocates-say-term-more-essential-n875601>
- *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, by Kimberlé Crenshaw (<https://www.racialequitytools.org/resourcefiles/mapping-margins.pdf>). Crenshaw explores how women of color are often subjected to sexism and racism in the context of rape and domestic violence with an examination of court cases. This groundbreaking piece introduced the concept of "intersectionality" through a judicial lens.
- *#BecauseWe'veRead* — This book club created in April 2018, started when Hoda Katebi (a Muslim political fashion blogger) was interviewed and accused of "not sound[ing] like an American" and her response was "that's because I've read." When people wanted to know what she read, she started a book club: <http://www.joojooazad.com/2018/04/a-radical-reading-club-becauseweveread.html>.
- *Extensive Data Shows Punishing Reach of Racism for Black Boys*, By Emily Badger, Claire Cain Miller, Adam Pearce, and Kevin Quealy, *New York Times*,

March 19, 2018 (<https://www.nytimes.com/interactive/2018/03/19/upshot/race-class-white-and-black-men.html>). An interactive article with data showing that Black boys, even those raised in wealthy households, are likely to fair worse than their white peers. This new study followed the lives of millions of children.

- *LaDonna Brave Bull Allard* (Standing Rock Sioux). In April 2016, Allard founded the Sacred Stone Camp on her land, the first resistance camp of the #NoDAPL movement to fight the Dakota Access Pipeline. Search #NoDAPL for more information.

PODCASTS

- *See Something Say Something* via BuzzFeed (<https://www.buzzfeed.com/seesomethingsaysomething>). The host, Ahmed Ali Akbar, covers topics and issues affecting American Muslims.
- *Making Contact* via Radio Project (<https://www.radioproject.org/aboutus/>). Making Contact showcases voices, perspectives, and human realities in an in-depth way rarely seen in the mainstream media. It examines relationships between local and global issues, covering issues from the costs of deportations to THAAD in Korea to the Michigan Prison Strike. It covers the "human" aspect of political issues, interviewing the people rather than the experts.
- *Strange Fruit* via Louisville Public Media (<https://www.npr.org/podcasts/440577316/strange-fruit>). Hosts Jaison Gardner (community activist) and Dr. Kaila Story (professor at University of Louisville) examine politics and pop culture from a queer Black perspective.
- *Still Processing* via New York Times (https://en.wikipedia.org/wiki/Still_Processing). Jenna Wortham and Wesley Morris are two cultural writers at NYT who host the podcast to share with the listeners different aspects of culture that have moved them, whether good or bad.
- *More Perfect* (<http://www.radiolab.org/story/radiolab-presents-more-perfect-american-pendulum-i/>). This is a podcast on the shameful 1944 U.S. Supreme Court decision in the case of *Korematsu v. United States*, which upheld President Franklin Roosevelt's executive order that led to the creation of internment camps for Americans of Japanese descent. It includes the voices of plaintiff Fred Korematsu and some depressing thoughts by Judge Richard Posner.