

Clearinghouse REVIEW

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Journal of
Poverty Law
and Policy

PURSUING RACIAL JUSTICE

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21ST CENTURY



A Legal Services Imperative
Structural Racialization
Racial Impact Statements
Racial Equity Impact Analysis
in Minneapolis
Immigrant Rights as Civil Rights
Intent Doctrine and the
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Geographic Information Systems
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Legal Aid Foundation of Los
Angeles' Race Equity Initiative
Voting Rights
Racial Justice Training Institute



Sargent Shriver National Center on Poverty Law

Where We've Been, Looking Ahead

THE EDITORS

Achieving racial justice, an as-yet unrealized aspiration in the United States, is ever-more complex some fifty years after the height of the civil rights movement of the 1960s. Despite the contentions of some that we have become “postracial,” disparities in well-being among racial groups belie that notion.

Longtime readers of CLEARINGHOUSE REVIEW will recall that in 2002 we published a two-part issue on racial justice, and we were pleased that it fostered a renewed focus among advocates on why directly confronting institutional racism is essential to combating poverty. The forms of racial discrimination that authors described in 2002 remain prevalent, and much of the legal analyses and many of the advocacy tools they promoted remain as germane now as then. Even longer-time readers may recall our 1993 special issue on “Race and Poverty.” And we routinely, in “regular” issues of the REVIEW, publish articles on legal strategies to fight racial discrimination.

As a “Journal of Poverty Law and Policy” we continue to return to this topic because race is central to, and explains much about, poverty in the United States. The cherished U.S. safety net program social security, for example, excluded from coverage people who worked in certain jobs where a majority of workers were people of color, and post-World War II denial of federally subsidized mortgage loans to people of color, as well as discriminatory allocation of GI bill benefits, laid much of the foundation for the racial wealth gap that persists today. Although the civil rights movement largely eliminated explicit public policy sponsorship of segregation, race underlies the United States’ poor showing compared to other “advanced” countries in the sturdiness of its safety net and wealth and other disparities.

Advocates face new challenges as the meaning of race and racial justice advocacy evolve. The immigration overlay is just one factor that contributes to this complexity (for more on that, see *Closing the Gap in Understanding Immigrant Rights as Civil Rights*, by Cecilia Chen and Robin Goldfaden, in this issue), while developments in neuroscience shed light on how the human brain encodes implicit biases about race (see *The Neuroscience of the Intent Doctrine: How the Doctrine Facilitates the Brain’s Bias*, by Kimberly Papillon, also in this issue). And as we become a nation that is majority people of color—already the case in some states and nationally within thirty years, according to the Census Bureau—the abolition of racial barriers that limit full participation becomes ever more vital.

One mammoth barrier that compels explicit acknowledgment is the devastating impact of the criminal justice system. The vastly disproportionate sweep of people of color into that system affects all aspects of racial justice advocacy, including advocacy that lies strictly on the civil side of the legal spectrum; the reach of the criminal justice system's tentacles extend deeply into the lives of our clients and their family members. While space limitations preclude coverage of the criminal justice system's impact in communities of color here, our 2007 special issue, *The Shadow of Criminal Records: What's a Civil Lawyer to Do?*, focused on these intersections. From that issue, we particularly commend to readers *The Intersection of Race, Poverty, and Crime*, by Francisca D. Fajana of the Massachusetts Law Reform Institute, who is also a coauthor with Camille D. Holmes of *Advancing Racial Equity—a Legal Services Imperative*, in this issue. Fajana's 2007 article explains the historical origins of the racialization of the criminal justice system and how slavery morphed virtually seamlessly into criminalization of newly freed slaves, as reflected in the Thirteenth Amendment's exception for punishment for crime from its ban on slavery and involuntary servitude.

Whereas in 2002 we primarily offered analysis of the racial justice legal tools within traditional poverty law areas, here a range of experts from around the country consider more strategic questions: what is the role of legal aid lawyers in racial justice advocacy? How can racial impact statements be developed and used effectively? How does racial justice advocacy intersect with advocacy on behalf of immigrants? How are legal aid programs implementing a racial equity practice? These and many other questions are discussed in these pages.

Shortly after this issue is published the Sargent Shriver National Center on Poverty Law plans to launch a Racial Justice Training Institute with a goal of developing a network of equal justice advocates to advance a coordinated racial justice advocacy agenda. This special issue of CLEARINGHOUSE REVIEW will serve as a resource for the training institute and, we hope, will offer readers new ideas and tools in strengthening their own racial justice practice. For more information about the institute, see *From Knowledge to Action: Building Our Capacity as Racial Justice Advocates* on page 259.



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