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Keynote, Panels 1 & 2

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Hello, everyone. Good morning, it’s good to see all of you here today. My name is Michael Riggins and I am the Editor in Chief of the Berkeley journal of African-American law and policy. I’m here today just to start off, introduce everything, and just to talk a little bit about the inspiration behind this symposium.

First, to start off, we have all, over the past two years, witnessed, in this country, the rise of white supremacy. And not even the rise of white fantasy, but the emergence of white supremacy and those politics. The campaign, the election of Donald Trump has really galvanized forces in our country that’s made it clear that white supremacy is still a powerful force in our politics.

We at the law school have noticed this and as law students, we’re in a particular place where we are learning about law, we’re learning about its effects, and we’re learning about how it can be used. But often, we don’t feel empowered to make a difference with the legal system. We understand as law students how race affects supposedly neutral policies that get implemented, but we don’t always get a chance to talk about how to make better policies, or how to fix things that we see. This leads to a real sense of frustration among law students.

And here at the law school, we all saw the disturbing violence that took place in Charlottesville. We witnessed the things that happened, we saw that young woman, Heather Heyer, who lost her life over an overt display of white supremacy. And that really woke us up. We have a lot of legal knowledge, we are learning how to become powerful members of our community, and we want to make that something that’s worthwhile.

So myself and our symposium editor, Julie Pittman, decided that we wanted to do something. We called up the editors-in-chiefs of all the law journals— The La Raza Law Journal, the Asian-American Law Journal, and the Journal of Middle Eastern and Islamic law. We got together and we decided we wanted to put on a symposium.

We were all sitting around a table and we were thinking about it, and we were like, oh, maybe we can call it law and legal studies. And we were trying to find really neutral policies and things that make everyone feel good. And then it was Sarah Chen, who is a leader in the Asian-American Law Journal, who said, let’s call it Rising Against White Supremacy. There was a silence for about five seconds. Everyone was like, do we want to be that bold and do that?
And we thought about it for a few seconds and then it was clear that everyone at the table was thinking to themselves, yes, in fact, we do want to be this bold. We do want to call it United Against White Supremacy. So that is the inspiration for what brought us here today.

We have put together, as a group of journalists, something that looks like a real excellent day of lectures and talks. We’re going to be discussing incarceration, immigration, gentrification, and just a whole series of topics. And we’re going to really focus on how white supremacy has become baked into the legal system, and it’s not something that can be merely fixed by passing a few policies. It’s something that really keeps the whole system going. We wanted to express those ideas.

Our first speaker today will be Richard Rothstein, who has been at the Haass Business School for the past semester. He is the author of *The Color of Law*, which is a widely celebrated book. When I found out he was the speaker, I was actually kind of intimidated, I was surprised. I’d seen his book in bookstores. You don’t really often think you’ll get a chance to meet people like that. *The Color of Law* does a really good job of exploring how the legal system and how, sometimes, outright policies, [and] sometimes hidden policies were used to segregate African-American communities and keep them impoverished. He has studied this, he knows a lot, and he’s an excellent, excellent source on the topic, and we’d like to welcome him here today.

RICHARD ROTHSTEIN:

Thanks, and thanks to all of you for inviting me here today. I do want to talk to you a bit about history, because it’s important to understand how we got here. We can’t move forward unless we understand how we got here, and that’s why I want to explain to you in this case, it’s particularly true.

In the mid-20th century, as you all know, this country made a commitment to abolish racial segregation. The NAACP actually began by challenging segregation in law schools, because they figured that if judges could understand nothing else, they might be able to understand you couldn’t get a good legal education in a segregated law school.

And it succeeded there, and then moved on to higher education. In 1954, we abolished formal segregation in schools, *Brown v. Board of Education*. In the 1960s, we adopted a series of laws that abolished segregation in everything from buses to restaurants to water fountains and employment.

And yet, we’ve left in place, and not touched, and accept[ed] as a natural phenomenon, the biggest segregation of all, and that is that every residential neighborhood in this country is segregated. Every metropolitan area is segregated. I’ve lived in many of them, and I’ve never lived in a metropolitan area where there weren’t clearly-defined neighborhoods where African-Americans lived and where whites lived.
So why is it that even though the country decided to abolish racial segregation, we’ve left untouched the biggest segregation of all, that every metropolitan area of this country was racially segregated? And the reason is not hard to understand. Residential segregation is a much harder thing to undo than the other segregation in this country that we addressed.

If we abolish segregation in restaurants, in buses, and water fountains—you can go to any restaurant, or sit anywhere on a bus, or drink from any water fountain. But if we abolish segregation in housing, the next day, nothing much would look different. We’d still have segregated neighborhoods, and so it’s a much more difficult thing to reverse than the other segregations we address. And because it’s so much more difficult to reverse, as a nation, we’ve adopted a myth justifying our inability, our unwillingness to tackle, to remain in segregation in the neighborhoods.

And that myth was one that you’re all familiar with, you all use the term, I use the term myself, and that is that what we have is de facto segregation. Neighborhoods have segregated de facto. Unlike the other segregations that were enacted in law or regulation, residential segregation sort of just happened by accident. It happened because of private discrimination, because, perhaps, white home owners didn’t want to sell to African-Americans in predominantly white neighborhoods. Or maybe people just like to live with one another of the same race, or maybe African-Americans just don’t have enough money to move into middle class neighborhoods. All these individual, personal factors which are not government created is the reason why we have segregation. It’s an accidental segregation.

And the Supreme Court has said, and our legal system insists that if you have de facto segregation, segregation that happened by accident, it can only unhappen by accident. It’s not permissible to adopt explicit policies to desegregate a community, it just got segregated informally and without government involvement. Only if the segregation was created by government law, regulation, and policy explicitly—so not the unintended consequences denying policy, but explicit racial policies, only if that’s the reason it was created are we permitted to adopt aggressive policies to de-segregate.

And, as I say, that rationalization for not dealing with residential segregation is a myth. The reality is that the residential segregation in every metropolitan area was sufficiently determined by explicit federal, state, and local policy that constitutes a system of segregation. It’s unconstitutional, its creation was as unconstitutional as segregation on interstate transportation, or buses or schools, or any of the others.

And unless we understand that, unless we learn that history and disabuse ourselves of the notion that it happened by accident, we’re not going to be able to challenge it, because the underlying theory is what gives us the power to undo it.
Let me describe some of the more important policies, and I can’t go into them all, because, as Michael said, I wrote a book detailing many of the more important government policies that created segregation that otherwise would not have existed. And I’m not suggesting in any way that there is not private prejudice that contributed to the segregation of the day, certainly it did. But, without government policy structuring it, permitting it, empowering it, we would not have the kind of segregation in this country that we have today.

So let me begin by talking for a few minutes about public housing. We all think we know what public housing is, a place where poor people live, lots of single mothers with children, young men who are purposeless, without access to good jobs, inviting the attention of the police, operating in these formal underground economies. That’s the image of public housing, [but] that’s not how public housing began in this country.

Public housing began in this country in the New Deal. The first agency of the New Deal in 1933 to fight the depression was the Public Works Administration. And the Public Works Administration embarked on a program to build the first civilian public housing in this country. And everywhere in the country the Public Works Administration built housing, it built it on a segregated basis. I’m not talking about the South, I’m talking about the North, the West, and the Midwest.

And it built it on a segregated basis even in areas that were integrated previously, creating patterns of segregation that otherwise might never have existed. Now, you may be surprised when I say these were previously integrated communities in the [early and] mid-20th century. There were many, many integrated communities in urban areas for the simple reason that workers didn’t have automobiles to get to work. And so if they were going to work in the factory, they might have had Irish immigrant workers, and Italian immigrant workers, and Jewish immigrant workers, and African-Americans, they all had to live close enough to those factories to be able to walk to work.

I’m not suggesting that every other house was occupied by a different ethnic group or a racial group, but neighborhoods were broadly integrated. Neighborhoods were also broadly integrated because the main means of intercity transportation in the early 20th century were the railroads, and the railroads would only hire African-Americans as cart Porters or as baggage handlers.

So African-Americans had to live in the predominately white neighborhoods that surrounded railroad terminals. That’s how Oakland came to be, initially, an integrated community, and later, segregated.

Well, the Public Works Administration built public housing on a segregated basis. Some of you may remember, or have read the autobiography of Langston Hughes, the great African-American poet, playwright, novelist. He described how he grew up in the early 20th century in an integrated Cleveland neighborhood. Downtown Cleveland, not a place we think of as being integrated today.
In the central neighborhood in Cleveland, he says his best friend was Polish, he dated a Jewish girl in high school. This was [an] integrated neighborhood. The Public Works Administration demolished integrated housing in that neighborhood and instead built segregated housing projects, one for African-Americans, a separate one for whites. These were all projects for working class families, not for poor people, and they were not subsidized. The government wasn’t putting out any money except advancing it to build these projects. They were collecting the cost of the projects in rent. The reason it was building public housing was because there was no housing available during the Depression.

But these were people who had jobs— the few people who had jobs— the government agency would go to the home of an applicant for public housing and inspect the home to make sure the children were well behaved, to make sure they had enough furniture to meet the standards of public housing, and only then would an application be admitted.

So the Public Works Administration’s building housing for working class families, but on a segregated bases across the country. In my book, The Color of Law, I like to mention Cambridge, Massachusetts because they’re thought of being so liberal. The area around MIT, the central square neighborhood, was another integrated neighborhood, about half black, half white where the government built two separate projects, one for African-Americans, one for whites, creating a pattern of segregation in Cambridge and even in the broader Boston area that persisted the decades after and even to this day.

During World War 2, hundreds of thousands of workers, as you know, flocked to defend plants in [the] North, and here in the West areas to take jobs that they didn’t have, that they couldn’t get during the Depression. Richmond, California, just north of here, was a small community of about 20,000 people at the beginning of the war. Almost no African-Americans, it wasn’t a segregated community, there were a handful [of African Americans] living north of Richmond in an unincorporated area and working as domestics in the homes of white families. It was a white community.

The Kaiser Shipyards at the beginning of the war had nothing going in Richmond. By the end of the war, [it] had 5 shipyards. There were also other defense plants in Richmond because there was a need for more, Ford motor company had [a] plant that was churning out jeeps and tanks. Rosie the Riveter National Park up in Richmond, which was the site of the old Ford Motor Company, celebrating women workers during World War 2.

But these plants were nonexistent— the shipyards were nonexistent before the war. By the end of the war, there were 100,000 people working in the Kaiser Shipyards. Initially, Kaiser would only hire white workers, but when they ran out of workers and the government demanded that they keep on churning out ships, they had to hire African-Americans as well. So African-Americans migrated in what we call the second great migration in this area, to Richmond.
The government had to find housing for these people. Richmond wasn’t big enough to house them, so it built housing for more workers, and it did this everywhere in the country, and it built segregated housing. Housing for African-Americans in Richmond was built along the railroad tracks, near the shipyards, shoddy housing. More stable housing was built further inland to house the white workers, creating a pattern of segregation in Richmond that otherwise hadn’t existed and might never have developed if the housing had been built in an integrated fashion.

Now, certainly, there were some people, some whites, who may have not wanted to move into an integrated project. But the housing shortage was so great, that for every white who refused to move, there would have been ten willing to take its place. So it’s not as though the government didn’t have a choice and was forced to segregate housing in this way. Throughout the San Francisco Bay Area, the area that was segregated, there wasn’t much of an African-American population in San Francisco prior to World War 2. The first great migration didn’t affect this area very much. It was only World War 2 migration that gave us a substantial African-American population.

In San Francisco itself, the government built segregated housing, creating patterns of segregation where it hadn’t previously existed. It built four projects for white families only in the residential white areas of San Francisco, and one for African-Americans in the western addition.

This is not de facto segregation where whites happened to apply to some projects and African-Americans happened to apply to others. These were explicitly designated by race. The western addition was chosen as the site of an African-American project because it was an area with lots of vacant apartments that African-Americans had started to move into. The vacancies had been created because Japanese-Americans had been removed to be placed in internment camps farther inland. So a few African-Americans started to move in there, and the government decided that should be an African-American neighborhood. So that’s where they built the housing project for African-Americans.

After World War 2, there was still an enormous housing shortage in the country. Not only was no housing built during the Depression, but during the war, construction materials were prohibited for use for civilian purposes. The only housing that was built was government housing for war workers, and yet millions of returning war veterans are coming home, forming families, having to live with their mothers-in-law. It was a pretty disastrous situation.

President Truman, who was president at that time, proposed a vast expansion of the national public housing program. And remember, we’re not talking about poor people yet. This is for working class families, returning war veterans, white and black who needed jobs, who needed housing when they had jobs in the big post-war boom.
In 1949, President Truman proposed a vast expansion of the National Housing Act. Conservatives in Congress wanted to defeat the Act, [but] not for racial reasons. It was segregated housing, segregated. Not because they didn’t like poor people. Poor people weren’t living in public housing yet. They wanted to defeat it because they thought public housing was socialistic and the private sector should be taking care of the needs of the returning war veterans even though the private sector wasn’t taking care of their needs.

They came up with a legislative strategy we refer to as a poison pill strategy. A poison pill strategy is a congressional strategy where opponents of a program put forward an amendment in the bill that’s being considered that they hope will get passed because the amendment itself is popular. And then once the amendment has passed, it makes the entire bill unpopular to a different majority that will go stamping their feet. So conservatives in Congress proposed an amendment to the 1949 Housing Act that from now on, public housing had to be integrated. No more segregated public housing, no more racial discrimination in housing. They figured that they, of course, would vote for this amendment. Northern liberal Democrats would join them in voting for the amendment to defeat segregation in public housing, that would create a majority. The amendment would be attached to the National Housing Act, and then when the full bill came up on the floor, the conservatives would flip and vote against the full bill. They would be joined by southern Democrats who favored public housing but not if it was integrated, and the bill would have its defeat.

Northern liberals led by Hubert Humphrey, the leading civil rights advocate in the United States Senate, campaigned against the integration amendment. They succeeded and the integration amendment was defeated. In 1949, the National Housing Act was adopted as an ongoing, segregated program, and the federal government used the previous vote on the integration amendment as justification for continuing to segregate all housing programs, for the next decade and a half.

Very shortly after this Housing Act was passed, a development occurred all over, everywhere in the country. The white projects developed large numbers of vacancies. The white projects had blown waves. Eventually, the situation was so conspicuous and untenable, you couldn’t have long waiting lists for some projects and vacancies in others, so the government opened up all public housing to African-Americans.

As more and more vacancies developed in the white projects, more African-Americans moved in, and eventually, African-Americans became the predominant population in public housing. And at the same time, industry left the cities and moved to the suburbs, to rural areas where they could have single assembly lines, continuous assembly lines, not the multi-stored plants on the ports.

Industry left the cities. People living in the public housing and in urban areas became poorer and poorer because they no longer access to good jobs.
Eventually, the government had to start subsidizing the rents of families living in public housing. They could keep pace for poor people. But that’s not how public housing began.

The question that you should be asking yourselves now, is why did all these vacancies develop in the white projects and not in the African-American projects. And the reason is another federal program which is an even more powerful engine for creating deliberate segregation in the country, and that is a program of the Federal Housing Administration that was designed to suburbanized the entire white population into single-family homes, out of cities, and away from—in the suburbs.

It was an exclusively racial program. The government had posters showing African-Americans being led away in handcuffs and headlines telling white families that the way to escape crime was to move to the suburbs. And the way it did was the following.

They recruited—the Federal Housing Administration recruited a cadre of mass production builders who would build entire suburbs. And in one shot, this was not how housing was built prior to the FHA’s program. Prior to that, if a single-family home was going to be built, it was to be built in one or two groups, maybe a very risk-taking developer would build five or six, but not 17,000 as was the case in the most famous of these developments, just east of New York City. I’m sure you’ve heard of Levitt Town, but there were many suburbs like that in this area as well that were also created by the Federal Housing Administration. Some of you I think probably have heard a song that Pete Seeger used to sing that’s written by Malvina Reynolds about the boxes on a hillside, and they were ticky tacky, the all looked the same. That’s a song written about Westlake in Bailey City, another one of these FHA developments.

All across the country, these developments were built. Be it Levitt or Bohannon, or Henry Dolger the builder of Westlake and Bailey City. None of them could have assembled the capital to build 17 or 15,000 homes in one shot. There was no way that the bank would give them a loan to build 17,000 homes, homes that had no buyers.

The only way Levitt could do it—and by Levitt I’m just using him as an example because the same thing is true of all the other mass production builders across the country. The only way he could do it was to go to the Federal Housing Administration, submit his plans for the development, get the FHA to approve all of these plans. Sometimes it was the Veterans Administration, but the two of them worked on similar procedures.

And if the FHA granted approval for the development, Levitt and the other builders could take this approval to a bank and get guaranteed bank loans for the purchase of the land and the construction of the homes. A condition of getting FHA approval was that no homes be sold to African-Americans. This was an explicit condition of the Federal Housing Administration and the Veterans Administration. The Federal Housing Administration had an underwriting
manual which was distributed to appraisers across the country whose job it was to approve these applications for subdivision development. And the underwriting manual explicitly said that incompatible racial elements were [a] danger to any development, and [any] development [that] ran the risk of incompatible racial elements or people not of the same racial classes should not be approved.

And so, on that basis, the federal government created white suburbs, white-only suburbs everywhere in the country. It even required, in the case of Levittown and many of the others, it even required that the deed of each home include a clause prohibiting re-sale to African-Americans or rental to African-Americans. And in my book, I have a consecutive page pictures— on one hand, one page, the FHA administrator helping Henry Dolger drive a symbolic stake in the Westlake development outside San Francisco initiating construction. And on the next page, a photocopy of the deed that went into each home prohibiting anybody but [C]aucasians from living in the development.

With these two major policies, the Public Housing Program that concentrated African-Americans in certain areas, and the FHA and VA program that subsidized the movement of white families into single-family homes in the suburbs, we created a white noose around every metropolitan area in the country. Of single-family homes for whites in the suburbs and apartment rentals for African-Americans in the cities.

The consequences of this are still with us today[.] The homes that I’m talking about that were sold in the mid-20th century, say in Westlake or in Levittown, sold for about 8, 9, $10,000 apiece. They were very modest homes, 750 square feet. In today’s money, that’s about $90,000, $100,000.

Twice the national median income at the time. Any working-class family, African-American or white can afford to buy a home for twice national median income with an FHA or VA mortgage.

In fact, the attraction was so great for the white families that were given this opportunity, you could move out of the public housing project and pay less in your monthly charges with your FHA and VA mortgages than you were paying for rent in public housing. That’s how enormous the subsidy was.

So by these two policies, segregation was created. Over the last couple of generations, these homes, that had been purchased, let’s say for $100,000, grew in value to $300,000, $400,000, $500,000. I don’t know what you can buy a house in Westlake today for, but it’s in the hundreds of thousands of dollars.

The families who bought those homes with this FHA and VA subsidy gained [wealth] over the next couple of generations. You can do the arithmetic. Just subtract 100,000, you gain $200, $300, $400, $500,000 in wealth. They use that wealth to send their children to college. They use it to weather medical or economic emergencies, and they use it to bequeath it to their children and their grandchildren so they could have down payments on homes.

African-Americans, who were restricted to apartment rentals in urban areas, whether in public housing or in the private sector, are gaining none of that wealth.
The result is today, on average, African-American incomes are about 60% of white incomes.

But African-American wealth is 10% of white wealth. And that enormous disparity between the 60% income ratio and a 10% wealth ratio, is entirely attributable to unconstitutional federal housing policy that was practiced in the mid-20th century and has never been remedied.

We pass a Fair Housing Act of 1968, it prohibited ongoing discrimination, future discrimination. So African-Americans can now move into Levittown or Westlake if they happen to have the funds to buy homes at $300,000, $400,000, $500,000, eight times the national median income. Those homes are unaffordable to working class families today of either race. You all know the difficulty that young people have if they don’t have help from their families to buy homes.

The inequality that we experience today in this country largely rests on this foundation of unconstitutional housing policy. Most families in this country that have any wealth at all— and wealth is a more important indicator of economic security than income— most families with any wealth at all gain it from their housing equity, the wealth they have in their homes.

This underlines the segregation that we have. There’s nothing de facto about it, nothing at all. An explicit government policy that created racial segregation in every metropolitan area. And again, I emphasize, of course there was personal prejudice involved. But the Constitution exists, the Bill of Rights and the subsequent 14th amendment, exist for the purpose of requiring a government to resist popular prejudice when it affects the rights of minorities. So the fact that there may have been popular opinion in white communities to support these policies is no excuse for the government acting in this way, and it doesn’t relieve us of the obligation to remedy these policies.

Now, the remedy[s] are much more difficult. You’re all lawyers, I know, or going to be lawyers, or some of you at least are, I hope. But litigation is not the route to remedy these, because there is no longer anyone with a standard under our legal system to challenge policies whose effect still exists today, but that were implemented half a century ago.

The only way we can remedy them is by understanding this history, by understanding that we do have an unconstitutional system, and by adopting policies that may then have to be reviewed by a court that would no longer be able to use the excuse that we had de facto segregation.

The policies that we could implement are broad and they vary from quite extreme policies to fairly easy policies. At this point, there’s no political public support for policies to remedy racial segregation and so I think the most important thing we need to do is to gather that public support and to organize to gain that public support. And part of the way that we need to organize that public support is to teach people this history.
In the course of writing my book, I cause myself to look at the most common textbooks used in American schools today, middle schools and high schools that teach American history. And I did look at about a dozen of them, and I concluded that every one of them lies about this history.

The most widely used American history textbook—at least when I looked back about three or four years ago—most widely used American history textbook is something called *The Americans*. It’s 1,200 pages, and in those 1,200 pages, there’s one paragraph that’s subheaded “Discrimination in the North.” One sentence in that paragraph about housing and the sentence reads as follows. “In the north, African-Americans found themselves forced into segregated housing.” That’s it. These textbook companies spend a lot of money hiring copy editors to look out for passageway sentences. African-Americans woke up one day, they looked out the window and they said hey, we’re in a segregated neighborhood. This is a crime, because if the next generation doesn’t do a better job, isn’t given a better opportunity to learn this history than your generation, and even my generation has, they’ll be in no position to remedy it—no better position than we’ve been.

[It] seems to me a very simple thing. Every one of you has brothers or sisters or uncles or aunts or nieces and nephews or parents involved in your local public schools and in the communities from which you come. And one of the first things we need to do is get this history taught accurately. And I guarantee you, if we make an issue of the way it’s taught in schools, we’ll get a conversation going in the adult community as well.

{O}bviously more is needed to remedy this than simply understanding, but the de facto myth underlies much of our paralysis. Demolishing that myth has to be part of the organizing strategy that we pursue in trying to build a movement to desegregate the country.

The continued segregation of our metropolitan areas underlies the most serious social problems that we face in this country. You all know—we’ve all seen what happens when police have confrontations with young men who are in communities without hope, or without opportunity. We all know, at least some of you are aware of the fact that the biggest challenge we face in American education today is the achievement gap between African-American and white children, which is almost entirely attributable to their attendance in segregated schools. They’re segregated, of course, because they’re located in segregated communities.

Inequality is much greater than it otherwise would be in the absence of segregation. What we know is that young children who grow up in poor families in segregated neighborhoods, and neighborhoods of concentrated disadvantage are much less likely to obtain middle class status as adults than children from the same families with the same low incomes who grow up in a neighborhood with more opportunity. So our inequality is also driven by racial segregation.
I guess that’s my message. Residential segregation underlies our most important social problems and we can’t begin to address it unless we understand that it’s a government created system which needs to be confronted as much as the other government created systems of segregation that we confronted half a century ago. Thank you for your attention.

[Question and Answers Omitted]

MELISSA COLON:

Welcome back, everybody. Let’s get started with our next panel. Just to give you a bit of a rundown, we’re going to start off with introductions, do a little bit of a framing, and then go into the questions with our panel, followed by an opportunity for Q&A.

I am Melissa Colon. I am at the East Bay Community Law Center. [I am] the disrupting displacement project manager, which means that I work in our community economic justice clinic doing anti-displacement policy work and community outreach. With that, I would like to give our panel the opportunity to introduce themselves and briefly let us know about their work.

JASMINE POYAOAN:

Good morning, everyone. My name is Jasmine Poyaoan. I have the honor to work alongside Melissa Colon. I’m the director of the community economic justice clinic at the East Bay Community Law Center. We’re a clinic in a public interest organization, the biggest free legal services provider in Alameda County. We’re a little different, though. We do transactional law work for communities that entails an anti-displacement program, where we focus on developing community-centered, community-controlled, businesses and housing. And I’ll save that discussion a little bit more for when we get into the nitty gritty. But, ultimately, we’re really focusing on building power in the community, and trying to form a more people-oriented economy, as opposed to profit-centered and profit-motivated.

RACHEL:

Hi, I’m Rachel. Professionally, I work at Legal Assistance for Seniors, which is a legal services nonprofit that provides legal assistance to elderly folks throughout Alameda County. I’m developing the housing program that’s going to focus on eviction defense for seniors in the county, mostly focusing on South Alameda County, where there aren’t any legal services. And as part of this panel, I’m representing the Defend Aunti Francis campaign. Aunti Francis Moore is a local activist and community leader who’s lived in South Berkeley, North Oakland her whole life. [She] is facing a no-fault eviction, her third no-fault eviction from the new property owners.
And she’s a former Black Panther, and is a really important community organizer throughout the North Oakland community. So I’m going to be talking mostly about my work as an organizer with her.

HILLARY RONEN:

Hi, everyone, my name is Hillary Ronen. I’m a San Francisco supervisor. I represent District 9, which are the Mission, Bernal Heights, and Portola neighborhoods of San Francisco. I will be talking a lot about the anti-gentrification work that my office has been doing in the Mission District, trying to protect the historic Latino neighborhood in San Francisco.

And prior to becoming a supervisor, I worked for six and a half years after graduating from this law school as the immigrant and worker rights coordinator at La Raza Centro Legal which is a non-profit in the San Francisco Mission District.

MELISSA COLON:

Thank you for those introductions. And thank you, panelists for joining us today. We appreciate you taking time to be with us, having this really important discussion.

The title of this panel is, Combating the Bay Area Housing Crisis. We got [into] some history prior to this. For those of you who weren’t able to join us, I’ll cover a little bit of that history.

But the goal of today’s conversation is to really help us understand from a theoretical and legal level, how white supremacy operates in the Bay Area housing market. In this conversation, we hope to discuss how the history of where people live has been deeply impacted and driven by legal protections of white supremacy.

From red lining, where financial institutions would refuse to give out loans to someone because they lived in an area that was deemed to be of poor financial risk. The lines drawn across cities to distinguish best areas from declining or hazardous areas were drawn based off the belief that areas where blacks, and Latinos, and other minorities lived would diminish the property value. [T]hese hazardous areas did not benefit from investment, and often deteriorated further.

While the courts have determined that it’s illegal for financial institutions to use race as a basis of excluding neighborhoods from accessing loans, the practice of steering blacks, Latinos, and other minorities away from predominantly white neighborhoods still exists today. The method just isn’t as blatant. But it’s still very much racialized.

On top of that, we have to also look at the fact that we have the migration. Our previous panelists talked about whites being able to live in the suburban areas. We also have to talk about the move, the influx, from whites from those suburban areas into the cities.
So where have the predominantly black and Latino populations being pushed out of their own communities that they were forced to live in to begin with. We’ve seen this in San Francisco’s Mission District, in Oakland, East Oakland, Chinatown, Berkeley. So not only is it an exclusion from white neighborhoods, but that it’s also an intrusion of white folks into communities of color and then demanding that those cities then be revitalized.

When we invest in those cities now, as we’re seeing around […] Chinatown it’s not for the benefit of the people that are living in those communities. It’s for the benefit of attracting newcomers that will be paying those market rate rents, that are bringing wealth into those cities. [W]e are displacing the communities and bringing in this profit driven economy.

The conversations of who is able to afford rent in this city, and own a home, maintain their business, and pay commercial rate rents must be acknowledged. Housing has deep racial implicit and explicit biases. And when approaching this work through law advocacy, organizing, policy work, we can’t ignore the role that white supremacy has had on the current status of the Bay Area and California.

Ultimately in this work, the arguments often become oversimplified. Housing patterns that continue to segregate cities are chopped up to leave to market forces, personal choices, and supply side economics, where [instead] we need to build more housing in order to bring down the rent [rates]. However, if we’re discussing the housing crisis and the affordability crisis in the Bay Area, then we have to address the legal and social regiment that has enforced the division.

The goal of this panel is to talk about some of those forces, and to talk about how to address them. We started off this symposium talking about; should we be bold? Should we be bold in naming this symposium “United Against White Supremacy?”

We should absolutely be bold, because these policies that have existed, and continue to perpetuate poverty, are bold. And they’re pitted against people of color and communities of color. And as advocates, as future attorneys, as law students, there is a dependency on your ability to be bold for those who cannot be bold, who do not have the ability to stand up for themselves, or who do not feel like they can, or whose voices aren’t heard. So in this, I also welcome our panelists to approach these questions very boldly, and welcome us to sit in the discomfort that may come out of that, because it may make us reflect on ourselves, on our own roles, our family roles, and our future roles in perpetuating some of these issues. So with that, let’s go ahead and jump in.

Gentrification can mean different things for different people. For the purposes of this conversation, let’s start off by having [all the panelists] share your definition of gentrification.
HILLARY RONEN:

Sure, so gentrification as it’s playing out in the Mission District in San Francisco is the displacement of the longstanding Latino, but [also] other low-[ ]income communities of color, not only the people from their homes through evictions, evictions being a primary way of kicking people out so new people can move in. But also the businesses, and the arts venues, and the cultural traditions that are in the neighborhood that make it cool, and white people want to come there to begin with.

So it’s sort of pushing out the people that create the beautiful murals, and the cultural traditions like Carnival, and bring[ing] art institutions, and music venues into the neighborhood. So people, real estate agents touting it as one of the most culturally rich and diverse neighborhoods in San Francisco, and then appreciating and appropriating that culture while pushing out the people that made it [that way] in the first place. It’s not just the pushing out of people, but of businesses, usually small, family run businesses, and the arts and cultural institutions that have brought vitality and life to the neighborhood in the first place.

RACHEL:

And to continue off of that, I really feel like it’s important when discussing gentrification to be listening and following the lead of folks who are most impacted by gentrification. So I’m actually going to read a definition that’s created by Causa Justa, Just Cause, a local anti-gentrification organization. It will be the last time I read.

But their definition says, “gentrification is a profit-driven race and class remake of urban working-class communities of color that have suffered from a history of divestment and abandonment.” And in addition to that, I think it’s important to note that gentrification is driven by developers, by private companies, by property owners. But it’s also driven by the state.

It’s driven by the state through subsidies, through support of these developers, support of who can be homeowners, lending practices. I think the keynote this morning gave a pretty good history of it. But then the other thing that I think is important to mention is that it’s enforced by the police. And I think that’s where we also have to look at the individual roles, not to forget that this is a system.

And that this process comes from higher level systems that we’ve created for centuries, but also is impacted by an individual’s presence, and taking a look at how, for me at least personally, my presence as a white woman in a gentrifying neighborhood directly links to increased police presence and increased policing of communities of color. So looking at gentrification as a larger systemic issue, the way that the state supports [gentrification], all the way down to the individual level.
JASMINE POYAOAN:

I was going to offer the definition of gentrification from Boyz n the Hood, great movie, by the way. But I think the Causa Justa definition sort of covers it. I want to take a step back, and add my remarks to gentrification not just being what has been already mentioned, but looking at gentrification as not only local, but as a global system.

And doing this work on the ground, and seeing the market forces, which we’ll pick apart later as to what market forces really mean, but looking at how market forces are creating trends of capital from overseas coming in, investors being able to pay cash up front for homes, taking housing stock away from folks who live in the communities locally, and seeing this pattern, seeing this trend. It’s grown more and more apparent that gentrification is not only a consequence of capitalism here locally, but capitalism in the highest form of capitalism—imperialism worldwide—where gentrification is inextricably linked to our economic system, and how wealth, resources, land, and property are distributed not only locally, but worldwide as well.

To add on to all of these definitions, which are all on point, I want us to challenge ourselves to think even bigger. To look at how wealth, resources, and land have been distributed, have been taken away from folks, have been labeled as ownership to certain groups through borders, through deeds, through contracts. How gentrification is really just a reflection of the power dynamics in society, and where we choose to place our wealth and resources into communities. I think this is going into our discussion about white supremacy. I will rein myself in for now.

MELISSA COLON:

Thank you for that. I think it’s important to start off with just getting an understanding of what our panelists are viewing when we talk about gentrification to really help inform the rest of the discussion. So maybe Jasmine, you could kick us off with starting about what your role is fighting in the fight against gentrification, and how you see the Bay Area being gentrified.

JASMINE POYAOAN:

I’m an attorney at the East Bay Community Law Center, where I practice transactional law. What that means is I have the luxury of not going to court.

I negotiate. I draft contracts. I try to get people to agreement for solutions, basically. And my role in that has looked like negotiating on behalf of community groups who aren’t given access to spaces in city council meetings, or in rooms with for profit developers. And I want to go beyond that in my role.

When I think about the housing crisis, I don’t see myself primarily, and even initially, as a lawyer. I recognize that I have privileges as a lawyer, that I have a responsibility and accountability to the communities that I live in to
provide and give back and share those privileges. At the same time, I recognize my role as a citizen, as a human being. That everything I do, every conscious decision that I make, even unconscious decision that I make, plays a role in the housing crisis, plays a role in gentrification, plays a role in our economic system of capitalism. That’s all really based on this false assumption that resources are scarce, and that wealth and resources should only be concentrated at the very top, for with the very few who have worked hard, or worked the hardest to attain that, which isn’t true, isn’t true at all.

And I recognize my role as pushing back on those things that we’re taught in institutions of white supremacy, really, to treat as givens. They’re not givens. I think my role, really, the most important role I play in being a citizen and being a human being, is to always think critically, always to push back.

This goes back to my definition of how I see gentrification as a direct reflection of how wealth and resources are divided or distributed in a society. I think the Bay Area is such a clear representation of gentrification, because resources and wealth, the gap is so huge here in the Bay Area. You have the wealthiest folks who are profiting from the real estate industry, who are profiting from the tech industry at the very top making six figures, even more than that.

And then you see those who are left out of that equation. You know, just yesterday there were reports that the San Francisco Police Department was given the OK to arrest homeless folks who are resistant to services. And this just goes to show the growing homelessness epidemic, really, or crisis. But it just goes to show how our wealth and resources in the Bay Area are definitely concentrated [for the] very, very few. And we need to address that.

RACHEL:

Yeah, thank you, Jasmine. I really appreciated the framing around citizenship, and that role. I think to start, I want to answer your question of: how do I see the Bay Area being gentrified? And I think they’re two things.

One, as Hilary mentioned, is this displacement of longtime residents of black and brown, of disabled and poor communities, and not just from their homes, but from their businesses, from their cultural institutions, from their churches, and from their kind of community structure. I work mostly with Aunti Frances, as I mentioned.

And Aunti Frances was born and raised in Berkeley and North Oakland. And now, as she faces eviction, there’s a very real question of: is she going to be able to stay in the Bay Area? Like, is she going to be able to find a place that meets both her access needs and her financial needs? Or is she going to end up in Antioch or Stockton as we see this kind of ruralization of poverty?

And as an elder advocate, I see folks who I would say are the most marginalized and the most impacted by gentrification. In my work, I’ve seen people who’ve lived in their home for thirty plus years who are getting evicted for no reason, no fault. They live on a fixed income.
They don’t qualify for Section 8. They make just above. I guess they’re not on the Section 8 subsidy, even if they do qualify. And they literally end up homeless.

I think it’s important to mention that in Oakland the fastest growing homeless population is first-time homeless seniors, and that literally gentrification equals death. Yesterday, I was reading a report that in Portland a senior got evicted from her senior subsidized apartment complex for not paying $300 of rent, and died of hypothermia. And so I think there’s like the real, real severity that you see our community dying, and the vast, vast remake of what a community looks like, and what care and support looks like in this kind of profit driven, property focused construction of a city.

And I think to then link to what my role is; I think it’s kind of similar to what Jasmine said about thinking about myself as a citizen. I do the campaign coordination for Defend Aunti Frances and this eviction campaign. But that came out of five years of friendship, and volunteering, and building a relationship, where when I moved into that neighborhood as a new resident I wanted to get to know my neighbors. I wanted to kind of integrate myself in the community.

And I was introduced to Aunti Frances, and the work she does through the self-help hunger program. And through volunteering with her on a weekly basis, I came to know her housing struggle. And because I had also been volunteering at CJTC and my friends and I all work in the housing justice movement, it felt like a natural segue into coordinating eviction defense in the campaign.

And so I think one of the main things when conceptualizing your role, is to not forget that we’re not trying to fight gentrification in and of itself. We’re trying to dismantle the system. And what are the ways that you do that? How does the work you do, your interactions in the community, shape that? And how to make sure not to get caught in the struggles of surviving under capitalism, in the struggles of surviving in the Bay Area with this affordability crisis while trying to take a look of how you create those relationships that are going to change the system.

HILLARY RONEN:

Yeah, I literally can’t think of one way that the Bay Area is not being gentrified. I cannot think of one way. We are deep in a third wave of a gentrification crisis in the Bay Area. And my role as an elected official in San Francisco is really limitless, in terms of the ways that I can try to find to fight to keep the people of color, the last working-class people in San Francisco, and then try to bring some back, because that’s where we are.

Just in the Mission alone in the last decade, 10,000 Latino individuals have been displaced from the neighborhood. That rate is continuing. It’s continuing at even higher rates. So first and foremost, what I’m trying to do is get the city to get our hands on as much land as possible, because the only way to truly stabilize and save people in their homes and their businesses, is to take those businesses
off the market. If you can’t take them off the market, you might be able to delay displacement. But it’s really hard to stop it. And so that is about getting revenue.

San Francisco is very lucky. It’s luckier than some of the East Bay counties because we have a $10 billion budget every year, which is bigger than many countries in the world. But the fight to allocate that budget so that it truly benefits people of color and working-class people is a fight in and of itself. So that’s one way.

Writing laws that tax businesses that are profiting widely off gentrification, and the real estate boom in San Francisco is a challenge. But we want to tax the hell out of them. And we want to use that money to build 100% affordable housing. And then we want that affordable housing to go to people that have lived historically in the neighborhoods where they live. And I can get into details about the actual policies that we’re fighting for to do that a little later in the conversation.

But in addition to that, being a politician is political. And fighting to get six allies on the board that will tax the shit out of corporations, and that will pass the radical anti-eviction laws isn’t easy. We’re in the minority right now.

There’s five of us that will really, truly take on big business, the developers, and the tech industry on board of supervisors right now. We need six to pass a law. And we need eight to survive a mayoral veto. That isn’t easy. So getting true allies that are ready to take on big business is part of my job, and getting those people elected. And that’s the least fun and easy part of my job.

And then, finally, taking on this YIMBY movement. I don’t know if YIMBYs are big in the East Bay. In San Francisco, they’re huge. And they’re dominating the dominant messaging at the state level, and at the city level, around how to solve our housing crisis.

And quite frankly, they’re full of shit. They have no racial analysis whatsoever. And their idea is this; go hearkening back to sort of uncritical supply and demand theory, that if you just build more housing, then somehow it will trickle down to the poor people and the people of color that cannot afford a studio for a family of ten right now in San Francisco anywhere.

And it’s frankly not the case. The only way that people that aren’t ultra-wealthy can afford a market rate apartment anywhere in San Francisco right now is if it is subsidized by the city. That’s the only way.

And that’s what we need more of. And we need it urgently. And we need to be building affordable housing. And we can talk about the definition of what that is, at rates that we never have before. If we just built market, we could never build enough market rate housing that it will somehow bring down prices and become affordable to anybody but the ultra-wealthy.
MELISSA COLON:

Thank you. Thank you for all of your responses. In recognition that this is a really robust conversation. There are a lot of factors to be thinking about, and a lot of things that are at play when we’re talking about gentrification, and we’re talking white supremacy.

And this is the beginning of a conversation, and absolutely not the end of a conversation. And I just wanted to really make sure that we’re all in recognition that this is a fundamental beginning of this. And let’s talk a little bit about the different ways that you are seeing white supremacy expressed in society today, and how it plays out in gentrification. If you can give us some examples of things that you’re seeing on a day to day basis, just to really paint a picture for the audience about what it looks like, whoever would like to start.

RACHEL:

I can start. I think Richard Rothstein did a very good job of painting the historical ways that gentrification and housing are tied to white supremacy. It was created this way: through things like government subsidies lending practices, redlining, Section 8, other subsidies, eviction process, that whole deal. The thing I want to speak about right now is one that I see pretty much in my residential community, which are nuisance abatement liens, and nuisance abatement evictions.

So can I just get a quick show of hands, who knows what that is? OK, so basically the way that I see this playing out is that there’s a law and there’s a city ordinance that supports it, that says that the city can pull a lien on someone’s home that they own or force an eviction of a residence if they’re deemed a nuisance. And maybe in the liberal framework that makes sense, where you’re like, oh, if someone’s a nuisance or a public safety danger, then they shouldn’t be able to stay in the community.

But I think that it’s really important to dive into this to look at all the levels of white supremacy in our housing system. The way that I’ve seen this on my block in my neighborhood is [through a] family that’s a longstanding resident, black resident, in a neighborhood that’s very, very fastly gentrifying in North Oakland. The oldest white residents, I would say, have lived there for 10 years.

And they moved there thinking that it was a changing neighborhood. It didn’t change. The people continued to live there.

And then there’s this perception of criminal activity. It doesn’t even need to be actual criminal activity, just the perception of criminal activity. So this can be the criminalization of black life, people hanging out on their front driveway playing music, doing things that appear to be drug sales, even if they’re not.

And then you see the community, newer residents, organizing on Next Door, on the internet, about how to surveil this family. And then they get direct guidance through neighborhood crime and prevention councils from the Oakland
PD about how to levy a nuisance campaign, or how to levy a blight campaign, against this family. This family has no idea what’s going on.

They have no idea that there’s a conflict or anything like that. Meanwhile, the whole neighborhood is taking pictures of them, working with the police to find out what evidence they need to secure blight, calling in complaints. And then the family gets a notice that they have a nuisance abatement. And the family needs to remedy it. So this plays out different ways. Sometimes this means that a grandmother will get a notice but she needs to evict her grandsons, and that every day she doesn’t evict her grandsons, she’s going to get a $5,000 fine.

Other ways that it plays out is you are told that you’re a nuisance. And you have to enter abatement. And you get this fine.

And they’ll continue fining you every day until you sell your home. I think the reality is that very few cities actually go through with the legal procedure of collecting those fines. But the threat is enough. They’re told that you owe $250,000 in fines right now. So you can sell your home.

And we won’t make you pay that fine. Or that fine is going to keep growing. And you’ll have to pay it.

And so I’ve seen this in the North Oakland community three times. Two times, it was successful in dispossessing black families of their homes. And who moved in [were] newer white residents.

HILLARY RONEN:

The question here is how [are] gentrification and white supremacy playing out in laws in San Francisco? I mean, in so many ways. So does anybody know what the Ellis Act is? An Ellis Act eviction is where a landlord can take a building off the market, and evict everyone that’s been living in the building?

Usually, they’re always rent controlled buildings, because they buy them particularly to evict all the residents, because it’s cheaper. And then they sell them off as STICs usually, because we passed a law prohibiting condo conversion for 10 years, precisely to try to stem this practice in San Francisco. That’s one way that the law allows the displacement of long-term residents and people of color who have paid in rent the building off 100 times, and still have no right to continue living there, which is so deeply disturbing.

There [have] been fights and efforts to reform the Ellis Act at the state level. But the real estate lobby and the Apartment Owners Association is so powerful in their control of politicians and the funding of their campaigns that it’s been impossible to even get minor reform of this law at the state level. That’s one example.

And then everything from the way taxes work. For example, in San Francisco, we can [place a fee on these businesses] for their impact on our transportation system and the infrastructure in the neighborhood to support that business operating. We have a fight at the board all the time, you have to show a
nexus between the fee you’re charging to the payer, and the service that you’re providing for that fee. And you can’t fee for greater than the service you’re providing. So there’s always a nexus study.

But the commercial building owners and the landlords come and lobby the Board of Supervisors. They say, even though the Nexus says, “you can charge me up to x, it’s too tough on my business, please, just make it y.”

And then there is a fight at the board. The five of us on the progressive side want to charge at the high end of the nexus, and the six supervisors that are corporate-backed candidates want to charge half that amount.

And then the mayor is ready to veto unless we can get eight. We haven’t had a progressive mayor in San Francisco for the past 22 years. So that’s a way in which the systems in place that benefit the very few who are usually white and wealthy at the expense of the many are built into almost every single law and system that we have.

I could go on with examples the rest of the day but you’ll be begging me to go home. So I’ll just stop there. But I’m happy to talk about more examples as we go.

JASMINE POYAOAN:

Yeah, there are countless examples. But, really, white supremacy, housing crisis, gentrification, society itself, how does white supremacy play a role?

And the opening speaker talked about this. White supremacy, what we see today, how that plays out is historical amnesia, the lack of context for why certain folks don’t meet a certain threshold of area median income, which that’s one way I see white supremacy play out in the housing crisis is through governmental definitions. Housing affordability is based and rated upon area median income, or AMI, which is a rating of, the median income of the wealth in your area or your county.

And that is just based on numbers alone. It doesn’t look at history of redlining. It doesn’t look at [the] history of disinvestment in communities.

It doesn’t even look back to the history of slavery, of genocide, of colonization, of how this country was essentially created. I think to the extent that we don’t reckon with our history, to the extent that we don’t challenge how institutions have been built upon white supremacy, we’re really just going to keep having these struggles over wealth and resources in our society.

The reason why we need a movement, and we need a hashtag that says housing for all, is because our society and our economic system was built upon this idea that housing is not a human right.

If you think about it, housing should be a human right. But because of our economic system that was further forced by this idea of white supremacy—and I don’t want to go too much into my history rant—they’re inextricably linked.
White supremacy, whiteness, was created to justify the distribution of wealth and resources in our capitalist economy.

And in so far [as] we don’t address both capitalism and both white supremacy and how they play out, and how they reinforce each other, we’re going to keep having these discussions. We’re going to keep having these struggles, not in the housing context. But as Rachel and Hilary mentioned, how this just creates other things like policing, militarization, the justification of protecting property over people’s welfare, and protecting profits and maximizing profits over the well-being of not just people and individuals, but whole communities. So, yeah, I think white supremacy plays an ultimate role. And it’s time that we reckon with our history, and start dismantling systems that were built on very, very unfortunate foundations.

MELISSA COLON:

Thank you all for your responses. I think we’re having a great conversation about how it’s prevalent today. We’ve talked about the historical context, and what brought us to where we are right now. I don’t know about you all, but I’m sitting here feeling my blood boiling. It’s so incredibly infuriating, and frustrating. And as people who are sitting in this room, I want to ask the panelists, what do you suggest? What tips do you have? What are the next steps for people who want to be involved, who want to advocate against white supremacy in the gentrification context? What can we do?

JASMINE POYAOAN:

I’ll start. So going back to what I see my role, really, I think, one, it’s all about recognizing our privileges. We have privileges. We have always [had] privilege [we don’t ask for] from the system. But the system is set up to where there is an unequal distribution.

So, inherently there are going to be people who [have] more than other people. And we need to recognize that, and not run away from that. Run toward the discomfort of realizing that, and really take steps to address it, material steps.

I think this goes into this question of, how can you be an ally, and being united against white supremacy? And, really, being an ally is not just saying you’re an ally. You’re not just sharing articles on Facebook, or verbally supporting movements, or even showing up to rallies and stuff. It’s much more than that.

It’s what you do, one, with your material privileges. I’ll even go as far as saying, and thinking back to the question about reparations that was asked this morning. I think reparations can go hand-in-hand with policies, but also go beyond policies, to where we really look at what we have as individuals, and what we can share with folks that don’t have as much.
So if you’re rich, you’re wealthy, come from a wealthy family, have a lot of land, there’s this thing called community land trusts, which are essentially non-profit organizations that keep land, or own land, for the benefit of the community. Centralizing community ownership of land, also taking land off the speculative market, which makes it vulnerable to our capitalist system of people wanting to profit. So thinking about ways in which you can educate yourselves about these different alternatives to our economic system, and doing real concrete things, like donating wealth, donating time, connecting resources with individuals who aren’t as resourced.

And then also, I think on an ideological level, really critiquing and being honest with yourself as to how you’re benefiting from current systems, and how you can push yourself to make changes in your lifestyle, make changes in your life. Thinking about when I was a law student, I felt that pressure to go into a big law firm, make all the big bucks. But, really, what was that benefiting the communities that I was from, the communities that I’m living in? And being critical, also, about what I choose to spend my money on, what I prioritize my time doing, and thinking about how, really, the end goal is not to just help and put band-aids on problems, but to build power in marginalized communities.

So offering my time, getting to know my neighbors, offering my time to getting to know other folks, and joining movements, joining grassroots organizations that are really trying to dismantle systems that have systemically created the problems that we’re seeing today. So those would be my pieces of advice, just be critical [and] don’t take things as a given. Have the courage really to know that change is possible within our lifetimes, and to find similarly minded people, and really build momentum to go forward and make progress.

MELISSA COLON:

And before you, Hillary or Rachel, chime in I just want to be mindful that there might be an urgent question out there. So I do want to make sure we have a little bit of time for that. So if you all could definitely speak on this, but try to make it a little brief, I apologize.

RACHEL:

Yeah, Jasmine said it so eloquently, and literally hit all of my bullet points. I think there’s a couple of things that I want to stress, [first] is that I think that there’s the framework that Jasmine mentioned, of starting from a place of housing as a human right, and that profits and property shouldn’t be valued above people. And as law students, as people in the legal system, what can you do to make that happen?

And I think Richard Rothstein made a very good point of, how do you make a case for a federal remedy? What do reparations look like on a state-sponsored level and also on the individual-sponsored level? I think, then, [included on] the
other side of that, is thinking about what can you do right now to dismantle this system?

And what can you do as a busy law student, as an even busier corporate lawyer? How can you structure your life so that you’re making those changes? And whether that’s taking half of a day to volunteer at [Causa Justa Just Cause], whether that’s working in your law school to start some sort of redistribution of wealth, or some sort of program for corporate law firms to be donating their wealth to land trusts. Potion is [a land trust] that is here in the East Bay that are folks of color led community land trusts.

And then I think on the other side is the practical. [A] very big thing is pushing for rent control, looking to Barcelona and Berlin for ways to regulate Airbnb and lower rents. I find a lot of motivation these days in looking at the marijuana industry, and the ways that folks in Oakland who have been directly impacted by drug charges get priority for dispensary licenses.

What would that look like in a housing context? What would it look like [when] folks who’ve been directly impacted by the unjust housing market getting priority? A very, very small example is the Richmond housing renovation program, where the city is buying blighted houses and then selling [them] to low income residents that are involved in a program that helps them build credit and gives them no interest loans for buying those homes. So, what are those concrete steps that we can take that change that system within that framework?

HILLARY RONEN:

There is a lot of good news out there. Both from community-based organizations, and local progressive politicians, we are fighting back every step of the way. And we will continue to do so until they displace every last one of us. There is a fight back happening. And there is a trillion ways to get involved.

But I would suggest to start locally, which you hear sometimes, but it actually makes a difference. That’s why I’m really enjoying being a local politician, because I talk to people.

I read every email that get. It’s not staff. I read them. I respond to as many as I can. Most of my colleagues do [too], because we have that closeness of proximity to our constituents, and it impacts me. I never, before becoming a politician, thought that those emails or calls I was making to my representatives made any difference at all. But they actually do.

So even those small steps, if you make a phone call a day at any level of government, it actually makes a difference. Probably more so at the local level, but it still makes a difference at the state and federal level. And then I would say, get involved in ballot campaigns. Both on the local level and on the state level, if we can’t pass policy in our local city councils, or state legislature, we’d put them on the ballot for you all to decide in our democracy how to spend our money, et cetera.
For example, in June, we’re having an election in San Francisco, where the voters are going to get to decide whether or not to tax commercial building owners 3.5% greater on their gross receipts—that’s our business tax structure in San Francisco—in order to fund universal child care so parents can go to work, and so they can work their five jobs to stay in their apartment in San Francisco because child care is so expensive. And it will be income based. That is a really exciting progressive initiative.

We’re going to put on the ballot in November that residential landlords who are making a killing off our rental market, be taxed a little bit—we’re actually going to bring it up to the equivalent that Berkeley is taxing their residential landlords. We tax them less in San Francisco to fund our Small Sights Program.

What is our Small Sights Program? It’s one of the ways we fight against displacement. When buildings are under threat of Ellis Act, the city tries to buy the building, and then turns those units into permanent affordable housing, again taking those buildings off the speculative market. And then I’ll end there.

A really exciting piece of legislation I’m working on in San Francisco is protecting and creating a formal process to create cultural districts in San Francisco. Right now, we have three cultural districts, the SoMa Filipina, which is the South of Market neighborhood that’s historically Filipino in San Francisco, the Calle 24 Latino Cultural District, which is in the Mission District around 24th Street. And then we have the Compton’s Transgender, Lesbian, Gay, and Bisexual District in the Tenderloin, where there’s deep transgender rights history that happened in that area.

We’re using land use controls, funding mechanisms, and local controls so that it’s transgender people deciding how development will take place in the Tenderloin area. It’s Latinos that are deciding how development takes place and prioritized in the Mission. Filipinos in SoMa, that type of thing. And we’re trying to be very creative about how we use our local control over land to give people a tool to fight back and have say over their own neighborhoods. Get involved in those campaigns.

MELISSA COLON:

Wonderful, those are phenomenal suggestions. And I really invite folks to continue having these conversations. You are welcome to reach out and come and talk to us, or do your own research after. We’re at the East Bay Community Law Center.

[Questions and Answers Omitted]

I just wanted to close out by thanking you all for inviting us, and having us here, and engaging in this conversation. I really want to continue to hope that you all will take this information, continue on with it, and do work both personally internally in your own roles as students, advocates, attorneys, general members of society, and then also going out and talking to the folks that you know, your family, friends, peers, and influencing policy, influencing the future
structure that you’re going to be working in, and pushing them to do better and be different. Thank you.

MICHAEL RIGGINS:

Hi, everyone. [T]his is the immigration panel. I was thinking, when we were first approached for this important event, I was thinking to myself, why are we doing this?

And it’s because so many people have been affected recently. There’s really a lot of pure hatred and bigotry, and stuff. And a lot of people have to deal with that in their lives. Every day, we see new things in the news about people having to hide in basements, people being banned from whole countries. So we’re really doing a lot of things.

Another thing I’d like to say is that we’re all here because we want to do better. We want to end this. We want to see how we can help lawsuits and non-lawsuits, lawyers and non-lawyers. So we convened this panel, and hopefully it’s as great as I know it will be.

First, I’d like to introduce our moderator, Professor Leti Volpp. She is a graduate of Princeton University, Harvard University, the University of Edinburgh, and she earned her JD from Columbia University. She clerked for our very own Justice Thelton Henderson for the Northern District of California. She was a Skadden Fellow for both Equal Rights Advocates and the ACLU Immigrants’ Rights Project. And she was a trial attorney for the US Department of Justice Civil Rights Division. She was a staff attorney for the National Employment Law Project, and she has been a part of Boalt faculty since 2005.

She has written various scholarship in law and the humanities, including Immigrants Outside the Law, President Obama, Discretionary Executive Power, and Regime Change, The Indigenous as Aliens, and a number of great works. So if I could turn it over to Professor Volpp.

LETI VOLPP:

Thank you, everyone. Thank you all so much for being here. This is an incredibly important event. I’m thrilled to be able to moderate this panel, and to have these three phenomenal speakers with us. I want to introduce them briefly in order of their presentations.

We’ll start with Paul Chavez. He’s the executive director of Centro Legal de la Raza. He will be talking about the kind of work they do and what they’ve been witnessing on the ground. Let me just tell you a little bit more about Paul. He actually earned his JD from this very institution. After going to the University of Colorado, he was also a firefighter, US Navy, a litigation associate at Donahue Fitzgerald, and he worked at the San Francisco Lawyers’ Committee for Civil Rights, doing immigration litigation, and has received the 2015 California
Attorney of the Year award, recognizing extraordinary achievement in immigrant rights and impact litigation.

The second speaker will be Prerna Lal, who graduated from Cal State East Bay, and has a master’s in International Relations from San Francisco State, and also received her JD from George Washington. Prerna needs no introduction for many of us here at Berkeley, because she has been the force representing undocumented students, undergraduate/graduate students on the UC Berkeley campus.

She does incredible work, both as a lawyer, and as an activist. She was [an] activist, [creator of] an online advocacy network, and really fighting [through] social media campaigns on behalf of undocumented persons. She also has incredible personal history that shapes her work, of being formerly undocumented.

Our third and final speaker will be Zahra Billoo, who is the proud graduate of public educational institutions. She got her JD from our sister school across the bay at Hastings, and before that, went to Cal State Long Beach. She is executive director of the Council on American Islamic Relations, and she will also tell you more about the work that they’ve been doing among other activities.

She has received multiple awards, including from the Society of American Law Teachers, the 2017 Human Rights award, the 2014 Unsung Hero award from the National Lawyers Guild, San Francisco Bay Area chapter, and the 2013 Trailblazer Award from the South Asian Bar Association of Northern California.

[O]ur speakers, who are all here focused on the question of integration, race, and mass deportation, are going to talk to us about what they have been experiencing in their work, what they’ve been witnessing changing over the last recent period, and what they think will be useful in helping confront a new emergence of white supremacy. So without further adieu, let me turn this over to Paul.

PAUL CHAVEZ:

Thank you so much, Professor. I’m honored to be back at Boalt Hall. Always a privilege to be here, and in particular, in this room, so thank you so much for having me.

And more importantly, thank you for addressing this topic. I think the country is at a crossroads. And it’s critical that we have these conversations here and elsewhere in the world. I am the executive director of Centro Legal de la Raza. I won’t go into a big spiel about what we do.

Briefly, we’re a legal services civil rights organization with a tenant[‘]s rights program. This program fights displacement in the East Bay [and includes workers’] rights program that represents victims of wage theft. We also have a youth law academy, which is a student empowerment program looking to diversify law schools and increase the diversity pipeline.
And our biggest program is our immigration program. We’re about 53-54 staff, 27 attorneys, and immigration accounts for probably a little bit more than half of that. We’re currently the largest legal service provider in northern and central California, representing those facing deportation, which are those in removal proceedings.

And over the last two years, Centro Legal has represented more unaccompanied minors fleeing persecution from Central America than any other organization in the state. So I can tell you we’ve been busy. And what we’ve seen on the ground in the past year, since the election, is some palpable fear coming from the immigrant community. It seems to come and go in waves, from the election, to the DACA announcement to the recent executive orders that I can talk a little bit about.

Right after the election, we fielded hundreds of calls from concerned community members all over the Bay Area, folks were afraid of what happens next. Should I go to work? Should I send my kids to school? What does this mean about my current immigration case? What does this mean for my visa? I’m a legal permanent resident. How is that going to be impacted?

Early on, I had the privilege of going with some of our staff to a Know Your Rights presentation at a local junior high in Oakland. After delivering the presentation, the teacher asked if she could introduce me to one of her students, Javier. Javier was a young man; I think he was about 13-14 years old. The teacher told me that he was an amazing student, but he had quit coming to school.

She said that she saw him on a trajectory to perhaps even go to law school someday, and that I would be a good person to chat with him. So I set him down and asked, [“]Hermano, what’s happening? Why aren’t you coming to school?[“] And he told me, [“]I don’t want to come to school because I’m afraid by the time I get home, my parents aren’t going to be there.[“]

I know that this is what these young people are facing, and what their parents are facing, to see families torn apart. So we’ve begun conducting the Know Your Rights trainings.

In response to the election, Centro Legal has initiated a rapid response network, the Alameda County Immigrant Legal Education Partnership, which is a 24-hour ICE activity hotline. And I actually brought some fliers with me. If you witness ICE activity, raids that have been threatened recently, in Alameda County, you can call 510-241-4011. And there’ll be rapid responders able to respond, and they connect people with attorneys at Centro Legal, or the public defender’s office.

After the election, there was a few executive orders that really impacted the immigrant community. I’ll talk a little bit about them. The third one is the travel ban. There’s been travel ban version 1, version 2, version 3. Luckily, we have an expert sitting to my left, so I know Zahra will probably talk a little bit about that.

But the other executive orders really changed the face of immigration. As a lot of us know, the executive branch is in charge of enforcing the law. We haven’t
seen a change in the legislation, so there has been no congressional change. So the law is the same, but the way it is enforced has been changed greatly.

A quick little review of what has changed, we’ve seen a switch in enforcement priorities. The DHS has hired, or is about to hire, an additional 10,000 more ICE agents. You see the job applications for ICE agents hiring all over the place. Non-removable individuals exempted from potential enforcement, and there have been additions to broad and vague categories of main priorities for deportation.

So the executive branch sets the priorities of who would be detained. And it’s so broad at this point that it could practically be anybody. I have a list that I can go through. But it’s been so broad and vague that it arguably attaches to anyone.

We’ve seen the expansion of summary rule proceedings that don’t require immigration judges. ICE has, and DHS has, asked for people for removal proceedings. Where it’s an administrative removal for non-legal permanent residence, we aggravate the felonies. And so basically, it gives ICE officers the authority to determine super complex legal issues regarding the definition of what an aggravated felony is, and what it isn’t.

We’ve also seen expansion of the expedited removal processes, removing people on more of an administrative basis. And we’ve seen increased detention. We’ve seen the end of what folks have called the catch and release, which means keeping people in detention after apprehension. So they’re detaining everyone that’s being apprehended.

We’ve seen the hiring of more immigration judges and asylum officers, and an increase in detention facilities near the border, and in the interior, and detention facilities being contracted. We’ve also seen, in the process of, DHS hiring an additional 5,000 Border Patrol officers, and the end of the PET program, and a reinstitution of secure communities under this administration.

What that means on the ground, it means we’ve seen a huge increase in collateral arrests. So there might be ICE enforcement, and where ICE would have gone in to detain a single person, now they’re in an apartment complex, or a family household, and they are detaining other folks.

A few months ago, one of Centro Legal’s yet-to-be clients, Maguiber, was at home early one morning with his wife and his four children, and heard a knock at the door. They looked outside, and it was the police. The police told him, “You come outside; there was a hit and run. Is this your car?” He said, “of course.”

He walked out, and as soon as he got to the sidewalk, they revealed that they were, in fact, not Oakland police officers, but they were ICE agents. They handcuffed him, arrested him, and took him to county jail. His wife was there, and was in a state of panic[. She] wasn’t sure what to do. She had to drop off the kids.

So she went and talked to her friend, the librarian at the school. And luckily, the librarian knew about ACILEP, and so they had a number to call. Maguiber is
a father of four. One of his children has cerebral palsy, and requires medical attention. Four US citizen children. He was denied bail at first.

When he arrived to the detention center, they had him sign a release giving up his right to a trial. He has an amazing asylum claim that we’re actually arguing now, but he signed that away. They told him, if you sign this document, we’ll be able to allow you to make a phone call. They lied to him. Of course, ICE denies doing that.

Because of ACILEP and the rapid response network, we were able to dispatch one of our staff attorneys, Lisa Knox, to go straight to the detention center. She was able to reverse the summary removal proceedings, enter appearance for him, and then start to represent him in immigration court.

About two months ago, I’m happy to let folks know, we won an argument to allow him to place bail, and the community was able to organize and raise enough money for him to actually post that bail. So for him, so far it’s a good story. We’ll continue to represent him in his asylum case, and hopefully, we’ll win. Thank you.

PRERNA LAL:

All right. Hello, everybody. Thanks for having me here today. I was sitting on a beach in Cancun yesterday, and I realized I had this panel to go to, as well as my mother texted me saying, you’re always on vacation whenever you’re needed. Your grandma’s sick. Come back home.

So I was like, OK. There’s some things I need to take care of, so I should come back to the US. Of course, I come back to the US, and there’s all these issues, where I’m at the global entry kiosk, and I’m doing my thing, and CVP is like, do you have global entry? And I’m like, no, I’m just standing here, doing nothing obviously, because I’m wasting my time, right?

Don’t get a welcome home, and then, I think I had my back searched for coffee, yeah, coffee beans, because they’re always searching my back for different kinds of weapons that might be dangerous.

The other time I was traveling, it was- what was it? Scrabble. Scrabble tiles. Anyway, so that happens to me, and it’s a great welcome home to the number one shithole country on the planet. So that’s my life.

I told my wife about this panel today. And she is like, make sure you stress— she’s the expert at white supremacy and white nationalism. That’s what she does— she’s like, just make sure you stress that there are two different things happening here, that we are not seeing a re-emergence of white supremacy. White supremacy has always existed. It’s the basis of the American legal system, the basis of all American systems.

It operates to structurally benefit white people, based on the exploitation of people of color. What we’ve seen very much is obviously white nationalism. Right. It has re-emerged over time. It’s a separate movement from white
supremacy that calls for the creation of an all-white ethno state, and also helps to promote white supremacy, but those are very two different things.

So we must realize that we have always lived in a white supremacist structure, and that has always existed, and it’s going to, unfortunately, keep existing. So that’s something that we should all be mindful of in our discourse, and moving forward. It’s to know what is our enemy, and what different movements we are up against.

The other thing that I want to note is, as people who are interested in tackling and confronting white supremacy and white nationalism, we must find ways to push back and hold a strong line against white nationalism, without giving it much attention. Right.

So one of the ways we gut an immigration law is making sure that we try to get as many brown people here as possible, and propping up the stories of immigrants and people of color, and pushing back against this good immigrant/bad immigrant narrative, and the respectability politics that we have been hearing a lot of, where in the news, you see all of these articles about, oh, those, quote unquote, Dreamers deserve citizenship, and we’ll get them citizenship. But everybody else doesn’t really, or should go back to the end of the line, or whatever else, and how these discourses actually divide our communities, and how we should not tolerate these things.

And they’re also pretty anti-black, if you think about it a lot, because who has criminal convictions? Who is incarcerated in this country? So we must not feed into the same good immigrant/bad immigrant narratives that we have in the past.

The point I want to make as an immigration lawyer, life is tough, not just because of Trump, but because it’s a daily struggle against white supremacy, against upholding a structure, laws that are made to basically enhance and enable white supremacy, right.

And immigration law is the number one field at that. It’s all about a bunch of white immigration lawyers emotionally trying to save brown and black people. So there’s a lot of white savior complex in this field of work where people are like, oh, I’m trying to give voice to the voiceless, and it’s like, no, that’s not it. People are not voiceless, right?

We have to elevate people’s voices because they have been speaking for a long time, and we will continue speaking for a long time. One of the ways, the most complicated ways, in which, as an immigration lawyer, we keep enabling white supremacy is this thing called asylum, right, where we have to portray our countries of origin as needing help, and being terrible places to live in, while the US is supposedly a beacon of hope and democracy, laughably.

Really, this is what we do. We have to create a country condition report, talking about how we cannot possibly have our clients live in those countries, and therefore, they need to live in the US. And it’s the biggest disservice we do, I think, because we’re trying to save people’s lives at the end of the day.
The other narrative that we do is that people should be thankful for being here, like immigrants should be thankful that we have picked them up from their countries of origin and terrible countries, and they should be grateful that they have lives here, and that’s bullshit.

Immigrants enrich our lives every single day. They add and do more for us than we will do for them. So nobody’s doing immigrants a favor by allowing them to be here. I’m doing everyone a favor by being here myself. So that is one thing to note.

And then, finally, we’re supposed to be grateful about the fact that the US has destroyed our countries of origin, right? I’m here because of a coup d’etat that the US supported in my country of origin, that overthrew my government, and locked up my uncles and dads in jail for weeks on end.

And Latino migration of like 700,000 Indo-Fijians over the course of 20 years, and it was supported by the US. That’s why I’m here, and it’s ludicrous to then tell me that, oh, you should be thankful about being here because this is the story of migration where American politics destroys countries, and then when people come here, they’re told to not be here, and treated with a lot of hate, and basically just scapegoated for so many different reasons.

Not all is bad though. I want to note the silver lining of white nationalism here. This is the greatest moment to organize, and is the easiest moment to organize in, because of the overt nature of bigotry. It makes it easier to demand that people pick a side, right. Are you on the side of bigotry or the side of justice? And that’s been amazing to have Trump in office for that reason. I mean, it’s made my life easier.

The amount of money we get for immigration work nowadays, the job security we have, to demand whatever it is that we want to have, is incredible, and it’s not a joke. It’s real, and this is the moment that we should been waiting for, really, to make sure that people take this thing seriously, because deportations happened under Obama. He deported more people than anyone else in history, right.

So if you think about it, where has everyone been on this issue? This just appeared because it’s so much more in the news, and in our minds. So this political moment has given us access more than before, to a broader set of people to organize and activate, and we shouldn’t let that pass.

I mean, I was working on the Luis Mora case— the Berkeley student who was detained, and was all over the news[. And] within two days, I had Senator Harris, Senator Feinstein, Barbara Lee’s office, calling me, writing letters for me, tweeting about him. Senator Harris even questioned the DHS Secretary about this one case.

This would never happen if Hillary Clinton was in office, never. Again, I can bet you that. [T]he amount of support that came in without any effort really was incredible. I was like, where are you people when we actually need you, because I didn’t need that.
So the last thing I want to say is to listen and follow the lead of people who are directly impacted on any issue. Don’t get in the way of how people are fighting for their freedom, where and what means they’re using to fight for their freedom. Don’t police people who basically have a lot of trauma from these issues.

And then don’t assume leadership roles. Step back, if you see yourself taking up too much space. And finally, follow our principles over politics, right. Separating families, detention, deportation mass incarceration, criminalizing immigrants and black and brown people, these things have happened over a long period of time.

They will continue happening over a long period of time, regardless of who’s in office. So if you’re showing up today, make sure you show up tomorrow as well. Thanks.

ZAHRA BILLOO:

I never thought that I’d see the day where there’d be an entire symposium dedicated to challenging white supremacy at a law school. Right, for everyone here who went to law school, a lot of times you look out into the classroom, and there isn’t a lot of color in the classroom.

So to have a conversation about challenging white supremacy itself felt really exciting, and I remember when our staff got the invite, I was like, was this for real? Is this a joke? What’s going on?

I agree with everything that’s been said. Just adding a little bit more on the work that CAIR’s been doing, and what we’ve been seeing. So for those that aren’t familiar with CAIR, we’re the nation’s largest American-Muslim civil rights organization, and we’ve been around since the ‘90s.

We were founded in this moment where there was the Oklahoma City bombing, and Fox News pundits immediately said, oh, this must have been a Muslim. And it wasn’t. It was a white man, a domestic terrorist, and those same pundits, by the way, still go on Fox News today and still say things like that. So in some ways, not much has changed.

But the question for us in that moment was, what is the way in which the Muslim community pushes back to protect its civil rights? And what is the organized fashion in which we build power? And so our organization has lived through 9/11, and the war on terror. Much of what we experience today as a community, with respect to civil rights violations, predates even that though.

I’m very clear about my family’s experience as model minority type immigrants, parents who came over educated and able to afford their plane tickets, and then thinking that the war on drugs was legitimate, because why question what the police are doing, right? Trust the government. If you didn’t do anything bad, then you have nothing to worry about. So don’t keep drugs in the house, right?
And we see that what the government did during the war on drugs, treating black and brown people as drug dealers until proven innocent, carried over into the war on terror, treating Arabs and South Asians and black and brown people of various backgrounds as terrorists, until proven innocent.

The difference, as has been alluded to, between Bush and Obama, though, is Bush was a bit more overt in targeting our communities. When it came to Obama, we were so glad to have a constitutional law professor in office. We were so glad to have anything but Bush, right?

That was actually the motto in that 2008 election, for those that weren’t sold on Obama, but were just grateful that it was anything but Bush, and he ended up doing much more than the Bush administration did with very little challenges, right, deported more people than any other president before him, executed US citizens abroad.

The only people from the Bush administration who the Obama administration prosecuted were the whistleblowers. So those were the only people that the Obama administration targeted. And of course, he was a secret Muslim, and so how much could we expect?

We know that in American society, at that moment, and this is not to say that anti-black racism has gone away— it definitely has not—but we know that in polite company in 2008, one could not necessarily say, I don’t want a black president. But they could still say, I don’t want a Muslim president, right.

You may recall that John McCain was asked on the campaign trail, oh, well, is Obama a Muslim? And John McCain’s response— which was well intentioned, but latently Islamophobic, which is more dangerous than the overt Islamophobia— was, no, no, he’s a good person, as if to say that you can’t be both.

Colin Powell, one of the architects of the search for weapons of mass destruction in Iraq which, by the way, continues because they never found them, and they still have troops on the ground, I would say, responded to it better and said, and so what if he is? But that goes to this question of how deep rooted the white supremacy is in our country, right, is that it’s not just about religion. It really is about anti-black racism at its core.

In the 2016 election cycle, it was like you couldn’t turn it off. It was like a train wreck, and I just kept watching and hoping it would end one day, and it wasn’t. But what we saw was a longer thread of Islamophobia, anti-immigrant sentiment, anti-woman sentiment, anti-LGBT sentiment, than we had seen in any other election cycle prior.

And in some ways, it was easier to combat because it was overt, right? We know that when then-candidate Trump says, I want to ban all Muslims from coming into the United States, that we immediately have a legal argument against it, that it runs afoul of American values.

Ted Cruz said, I want to spy on Muslim neighborhoods. Ben Carson didn’t want any Muslims on his cabinet, and across the aisle, Hillary Clinton only spoke
of Muslims when it came from a national security lens. The only Muslim to take the stage during the DNC is Khizr Khan, who suffered a tragic loss of his son.

But remember, his son died in the war in Iraq, right, so that’s his contribution to the conversation about America, and the elections in 2016. And then Bill Clinton famously says, if you’re Muslim and you’re going to help us fight ISIS, we’re happy to have you stay. It’s like, what? No. A third of the slaves who were brought over during the slave trade were Muslim. Muslims were on the explorer ships. Muslims have been here for as long as possible.

And yet Bill Clinton wants to give me permission to stay, and its latent Islamophobia, which again, more challenging to deal with because people are like, oh, look. That’s so nice of him. He’s not saying what Donald Trump is saying, but I agree that if we’d gotten Hillary Clinton, some of what we would be dealing with might be the same, if not worse, because we wouldn’t have had the support that we have now.

So fast forward to November 2016, and in the 10 days that followed the election, the Southern Poverty Law Center documents over 700 hate crimes against black people, undocumented people, Muslims, LGBT individuals, and more. And that’s just who came forward. How many of you would call the Southern Poverty Law Center and report a hate incident on the UC Berkeley campus, right? That’s just who came forward. That’s just what got captured. For every person that came forward, there were many more who didn’t, either because they didn’t know where to get help, or they were afraid that getting help would actually further jeopardize them.

An undocumented person isn’t going to call the police to report a hate crime in the same way that a US citizen is, right? A Muslim who [has] experienced surveillance will not report a hate crime to law enforcement in the same way that someone who has never had to worry about surveillance, or looked over their shoulder, or worried about their phone being tapped, would.

But from November to January, the concern was, really, the hate that had been emboldened. People were comfortable coming out into the streets and being racist. Some Clinton supporters, I say, take comfort in the fact that Donald Trump did not win the majority of the American vote, but he won like 49%. And that’s terrifying, right?

We’ve learned to compassionately say that not every person who voted for Trump is a racist, but the reality is that they were willing to overlook his racism, his bigotry, right, his classism, his sexism. For what? Their own economic advancement, and that’s a more complicated conversation about what this country does to people, and the choices it forces them to make in order to just make a living, right?

And we participate in racism at times. We participate in classism, because it advances our needs. Come January 20th, the racist-in-chief takes office. And give him a week, he signs the executive orders about the border wall. He signs some Muslim ban executive orders. And he moved them into effect immediately.
My dad, God bless his heart, was very much like, why don’t you give him a chance? Maybe he just said all those things to be elected. I was like, Dad, he didn’t bring in Fox News reporters to advise his transition. He brought in Breitbart people. Like, there is no recovering from this. We saw not one, but technically four Muslim bans. The third one is currently still in effect.

[O]ver the past week, we’ve had to tell probably half a dozen families contacting our office, it doesn’t matter what kind of PhD you have, or the fact that your village in Yemen is surrounded by rebels, and I agree that that’s a really complicated conversation, particularly because we’re facilitating the destruction of Yemen by giving Saudi Arabia all of the military aid it needs to bomb them, perpetually.

It doesn’t matter that you want to be reunited with your family, and you haven’t seen them in eight years. You can’t come to the United States. Oh, you have a job offer? Doesn’t matter. You still can’t come to the United States. Maybe we’ll have better news for you in June. But we actually don’t know that we will either.

And so that Muslim ban is in effect. Iran, Syria— I always forget if it’s Somalia or Sudan, and maybe someone here knows— Libya, Yemen, of course, North Korea, and Venezuela, and to connect the dots back to 2002, North Korea was used even then to balance out the Muslim registry of the Bush administration.

[T]he Bush administration picked 24 Muslim majority countries, and North Korea, and said, if you were from one of these countries and you are a male over the age of 16, you must come in and register your presence, get fingerprinted. There were lines outside of the INS building in 2002 and 2003.

North Korea has famously been used to balance out what is a Muslim registry, or a Muslim ban. The refugee ban is also in effect, right, so the number of refugees being resettled in the United States has been slashed by more than half. And so at this point, the cap is 45,000, which is lower than any other administration has put forward.

We’ve spent a lot of time depressing you today. In the minute that I have left, I want to say what I think is working. What’s working is lawsuits. So yes, you are lawyers. You will file lawsuits. File lots and lots of lawsuits. Filling up the courts with lawsuits to challenge this administration is important.

The hardest thing I’ll tell you as a lawyer is that lawsuits won’t save the day, right? So we’re all waiting on the Supreme Court to resolve the Muslim ban, except the Supreme Court let Japanese-Americans go to concentration camps during World War II, and that is still good law on the books.

So the Coram Nobis case that we talk about in the Bay Area cleared Fred Korematsu, Gordon Hirabayashi, and others’ convictions at a lower court level. But the actual precedent of the Supreme Court, looking the other way while the government sent people to concentration camps, that stands.
On a daily basis, the courts permit police officers to walk free after killing unarmed black men, women, and children. And we know for sure that Native Americans do not get justice, as their land is continually stolen. Undocumented people are continually deported. So the lawsuits will work, but they won’t be everything.

Protests will matter, right? What was more compelling to me as a Muslim than the lawsuits in that first weekend of the Muslim ban was the amount of people who poured into the airports and said, we’re going to shut these places down, right? We are not leaving until the people who are stuck here actually get released.

And we believe that that influenced the judges also, because they’re not living in a hole, away from the media. They know what’s happening. They know where public sentiment is. We say that in that first weekend, we won both in the courts of law and in the courts of public opinion.

The third thing is to connect our struggles. So what was really important for me in agreeing to be on this panel was that we were going to talk about different issues in the context of white supremacy. The people that want to take away women’s rights to choose what we do with our bodies here are the same ones that want to bomb Iraq and Afghanistan to liberate those women, right?

The people that want to build a wall between the US and Mexico—and by the way, there is already a wall. There are technically two walls in many parts of the border—are the same ones that are building the wall in Israel and Palestine, or have built the wall in Israel and Palestine, and those security cameras are provided by the same companies.

But yes, Israeli companies are bidding on the opportunity to build a wall between the US and Mexico. The police officers here that kill unarmed people with impunity are often trained by Israeli police officers. And even across the country, these police agencies and law enforcement agencies share equipment, information, training, tactics, and even officers.

So sometimes an officer will do something bad and get let go somewhere, and then get hired by another police department. Let me tell you, if I lost my bar license in California, no law firm here, right, no non-profit would hire me to do legal work. Police officers don’t have that same kind of accountability.

And making these connections is what we’ve seen worked really well in this past year, to say that we will not give up diversity visas for the benefit of DACA, and vice versa. We will not take DACA at the expense of a border wall. We need to understand that the people who are deporting undocumented youth, who are doing strip searches and cavity searches at the border between the US and Mexico, are the same ones enforcing the Muslim ban.

And when we make those connections, and we ask who’s missing, and we agree, as a matter of principle over policy, to value human rights and each other’s dignity and liberty first, then we will continue to win. It’s a long fight. I don’t
think that it ends with this president. And I don’t think white supremacy goes away in 2020.

But what I, too, am hopeful about, the silver lining that I see, is that we’re having a conversation about white supremacy on a Friday afternoon at a law school. If that’s not progress, I don’t know what is.

LETI VOLPP:

Fantastic. So I just want to pull a couple of threads that I’ve heard, that I thought might help us have a discussion. Three wonderful presentations. One of them is the incredibly helpful statement of Prerna’s wife, and we should know her name, which is Schubiner. But the notion that this is a resurgence of white nationalism—think of Trump’s America First [platform], right, during his inaugural address, and [the idea] that white supremacy is the machine that’s always been going on.

And so maybe one way to think about this is, we have a deportation machine which is constant, chronic, Obama the deporter, and we have, at the same time, something that’s shifting. And I think it’s interesting for us to think about how the notion of a nation of immigrants fits, actually, at times into both of these ideas of, we can have a nation of immigrants and a deportation machine, and we can have a nation of immigrants and America First, and how does that exactly work?

Well, I think part of the way it works is that when you think about something else Prerna said, this idea of this discourse of the good immigrant versus the bad immigrant, we can think about how people are split and put into these boxes. We have the legal versus the illegal. We have the Norwegian versus the shithole. We have the white versus the black. We have innocent versus criminal, criminal alien. We have Dreamers versus the parents.

We have the high skill versus the labor. We have the Christian versus the Muslim, right? And there are constantly ways in which we have to be conscious of how exceptionalism is the key, and [then] there’s the politics of respectability and [how] people frame particular cases in particular ways in order to win something, which might be a narrow victory for a particular client.

Lastly, something that I found really helpful— I don’t know if people know Andrea Smith’s piece, The Pillars of White Supremacy, but she basically says, we need to think simultaneously about these three different pillars, where you can be simultaneously advantaged in one context in white supremacy, and subordinated in another.

And what she identifies as these three pillars are the pillar of slavery, antiblackness, capitalism; secondly, the pillar of genocide and settler colonialism; and thirdly, the pillar of what she calls Orientalism and war, which is the pillar that might predominantly impact the people talked about on this panel.

But she also says, we need to also think about how heteropatriarchy intersects with this. And so I was really glad Sahra mentioned the way that this idea of saving women operates in this cynical expedient use.
And also, just to point something out, when John McCain was at this town hall, and this woman said, but I heard Obama [is] a Muslim. What McCain actually says was, no, ma’am, he’s a decent family man, right, and so to think about ways in which ideas about gender and sexuality are always there, intersecting with race in this broader context of white supremacy.

[Questions and Answers Omitted]