

Western New England Law Review

Volume 19 19 (1997)

Issue 1 *FIRST ANNUAL NORTHEASTERN
PEOPLE OF COLOR LEGAL SCHOLARSHIP
CONFERENCE*

Article 4

1-1-1997

PANEL: WELFARE/SOCIAL JUSTICE: WHERE DO WE GO FROM HERE?

Rebecca Johnson

Dianne Wilkerson

Lynne Polito

Larry C. Backer

Follow this and additional works at: <http://digitalcommons.law.wne.edu/lawreview>

Recommended Citation

Rebecca Johnson, Dianne Wilkerson, Lynne Polito, and Larry C. Backer, *PANEL: WELFARE/SOCIAL JUSTICE: WHERE DO WE GO FROM HERE?*, 19 W. New Eng. L. Rev. 41 (1997), <http://digitalcommons.law.wne.edu/lawreview/vol19/iss1/4>

This Symposium Article is brought to you for free and open access by the Law Review & Student Publications at Digital Commons @ Western New England University School of Law. It has been accepted for inclusion in Western New England Law Review by an authorized administrator of Digital Commons @ Western New England University School of Law. For more information, please contact pnewcombe@law.wne.edu.

PANEL

WELFARE/SOCIAL JUSTICE: WHERE DO WE GO FROM HERE?

REBECCA JOHNSON*

My name is Rebecca Johnson and I am lead organizer at a small community-based organization in Boston, called Cooperative Economics for Women. We organize low-income women primarily and, almost exclusively, women of color. The vast majority of our members are immigrant and refugee women who come primarily from six countries: Cambodia, Ethiopia, Cape Verde, Puerto Rico, and Haiti. We organize access to income, primarily through the creation of cooperative income-generating projects, but also by addressing issues our members say are really bothering them at the time. For the last year we have been struggling with the welfare reform bill that was sent down from the Massachusetts State House. We are also running to keep up with and struggle with the new immigration laws which are being crafted at the federal level.

I am here, I think, partly because we are grateful clients of the Northeastern University Law School Poverty Law Clinic. At least one student each quarter deals with the chaos that is being generated out of the local welfare offices. Just unimaginable things occur. The worst story is from the Revere welfare office. One of our Cambodian members had her check cut off in June and, as is typical of many of our members who are refugees, she did not tell me about it until August. I asked what had happened and whether she had talked to the welfare office about it. She told me she had and that they told her the man who writes the check was on vacation and when he got back he would send it to her. All we had to do was look at them funny and they sent the check. That is the worst example, but there are other instances that are just a little less bad, that are typical, everyday occurrences. This kind of thing gets in the way of organizing.

* Lead organizer and founder of Cooperative Economics for Women, Boston, Massachusetts. Ms. Johnson has been an activist for the rights of poor women for over 10 years.

What I want to focus on is the experience of women; the pover-tization of women and the feminization of poverty. I think the in-tentional creation of poverty in women's lives is another aspect of that. Organizing around economic justice issues and community economic development fits into that because it is the big catch phrase today, the Clinton, HUD, empowering communities, enter-prise-zone thing. Two years ago we saw the national emergence of an organizing imperative that starts with the lives of poor people and focuses on poor people gaining some power and controlling their economic destiny and the economic destiny of their community.

I do not want to be simplistic here. I know that while our little organization with our five little co-ops may someday get full-time jobs for all of our members, it is not going to change how wealth and income are distributed in Boston. In order to do that, we have to be part of other larger coalition alliance efforts, particularly ef-forts of poor people and people of color to change how income is distributed and to change how economic power is distributed in the United States. Because we do not talk about class and economics in the United States, we are years away from even having an effec-tive strategy to deal with this issue. I was therefore very en-couraged to hear Chancellor Chambers speak about relitigating the issue of class and poverty as a basis of discrimination. *Rodriguez*¹ was decided over twenty years ago, and that decision has been left to stand. It seems time to revisit this issue and to acknowledge that class and poverty are often the basis for discrimination.

I am originally from Akron, Ohio. I grew up in a family that was working class. My father worked in the rubber factories and he was a union member. I did not have the working class experience that many young people have whose parents are working but who do not have job security or health insurance or access to the union scholarship fund. That makes my life experience very different than the life experience of many working class and poor women. In fact, "working class" and "poor" are synonymous today because of the loss of many of those economic organizations and economic bene-fits. Do not think that I am uncritical of labor unions. I know that

1. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1 (1973). In *Rodriguez*, the United States Supreme Court declined to declare unconstitutional on equal protec-tion grounds a Texas education finance scheme that resulted in gross disparities of fund-ing between poor and wealthy districts.

there are some problems there, but I wanted to describe my life experience.

My experience is in the area of organizing low-income women. In the beginning, I primarily worked with African-American women in the areas of organizing housing and access to housing. I also did a critical analysis of urban renewal and looked at its effect on our communities, and I have organized to keep housing in poor communities. In the last eight to ten years I have worked on the issue of access to income.

The organization I work with is extremely diverse. In fact, "diverse" doesn't adequately express what we are at Cooperative Economics for Women. We run sessions with four or five translators. We get everybody together every other month to discuss issues, to decide on organizing tactics, to figure out what is going on in the co-op, and how to explain the welfare laws. So I have growing experience of the coming diversity in the United States. I have some perspective on what it will mean in the future as the United States becomes colored and, perhaps, poorer.

One of the co-ops they have is a group of Ethiopian women who cater Ethiopian food. It is wonderful and I get to eat a lot of really good food. There is a sense among poor women of color coming here from countries where they were in the majority that somehow they are still in the majority. They may have an attitude towards African-American women and have to try to deal with the bias, prejudice, and blatant racism that sometimes exists even within the organization. For example, one of the Ethiopian women said to another, "We are not black, we are Ethiopian. We are not like them." And then the other woman, who lives in a Mission Hill housing project, said, "I may not have been black before I came, but I am black now." This has some significance, particularly considering the conflict that they went through in their own country.

I know from our organization and from the scholarship on this topic that poor women's experiences are the same around the world. Women in general, and especially poor women, are responsible for the things that keep family and home together. They have got to figure out where the food is going to come from, where the roof over their heads is going to come from, where their clothing is going to come from, and where income or cash is going to come from. In the Sudan or southern Africa, the means for meeting these responsibilities might include some farming, or some non-capitalist market economies that do not really exist in this country. They

have to make sure those things are provided for, and the same is true in the United States. Poor women in the United States have to figure out how to keep the roof over their heads, whether it is in a homeless shelter or in really shabby housing. They have to figure out how to feed their kids, and how to get cash. They have to do that in an economy where wage labor does not provide an adequate means of covering all of those things.

You know that if you multiply the minimum wage, \$4.25, by 2,080 hours, which is the exact number of hours in a year of work, you come out with approximately \$9,000. This is a little bit of economic literacy. Now, sit down and add up what a two bedroom apartment costs where you are from, and add up what healthcare costs, and add up what childcare costs, and food, and those damn tennis shoes. We do this exercise all the time, and I do not know what this costs where you all are from but in Boston it costs \$19,000. In Massachusetts, most low-income women are on AFDC and most of them do not receive section 8 or 707 housing. Many are not in public housing, and many do not receive food stamps. Here is what we are saying. If you look at the numbers, most people in the United States are not even middle class. Middle class is about \$40,000, which is a low estimate. Most people in the United States earn about \$35,000 or less. So, it costs at least \$20,000 in many parts of the United States to be poor; to be poor and not worried about a hospital bill that will make you homeless.

We have no economic literacy, no economic education, no billboards out there in the world saying, "Did you know that you are poor today?" In my mind, one of the main problems is that we do not understand the extent of poverty in the United States. Yes, people have houses but they do not have healthcare and their children do not have access to safe places to be when their parents have to work. We cannot even raise the minimum wage in this country to something that will cover all those costs if the government will not cover them. We should at least ask the question, "*Who* is responsible for *what* in this country and who *should* be responsible?" Poor women know that *they* are responsible and they are going to have to figure out, one way or the other, how to keep their families together, feed their kids, and somehow keep them out of the cold. Is it legitimate that it is solely their responsibility? I don't think so. We must decide how to more fairly distribute the responsibility for creating a country where people can live whole, healthy, growing lives. Our task is now to begin to organize to accomplish this change.

There is an organization in Boston called the Women's Theological Center. Its new slogan for the year is: "We don't have much time, go slow." That slogan reminds me of the basis for our work at Cooperative Economics for Women. We use examples of women from the third world and the strategies and methods that were developed in Brazil and southern Africa. We ask folks to analyze their own experiences and ask questions, for example: "Why am I poor? Why don't I have access to childcare? Why do my children crave Nikes? Why is this happening?" We ask them to analyze the answers to these questions step by step and to address why this is happening; what causes it; how they can change it; what information they need to understand it. It is not helpful to engage in the kind of dialogue that says, "My daddy was a dirt farmer and I'm rich now and why aren't you rich now too." That is not the point. The point is to start with the experience of poverty, to analyze it, to gain information, and to make strategies.

It sounds very simple but we don't allow it to happen in this country. It's not how organizing is done. Organizing frequently starts with some college educated experts, not unlike myself, who come in and say, "I have a college degree. This is your issue; this is the issue you should work on." This is in contrast to saying to a group of poor women, "What do you need?" Well, when we said that, these women said, "Income." That is pretty simple. And how do you want to get income? "Well, we hate AFDC but we think it should be there." Okay, so how do we solve this? We create an organization that acknowledges that women need access to childcare if they are going to work. They need to do things together as opposed to doing them separately. Most community economic development remedies for poor women advocate creating entrepreneurs. Women do not want that. They want jobs, they want to use their creativity, and they do not want to be working sixteen to twenty hours a day and still be poor. That is the process, and that is the journey we are on. What is this going to look like? What does it mean for poor women to say that they need income and access to childcare and that they want to organize to overcome the ways in which they are oppressed in our society? This is a journey we have been on for four years at our organization. It will take us ten years to see the results of what we have started. These organizational approaches work for poor women, but what about working class people; people who refuse to identify themselves as poor? What is the imperative for them to organize? What is the methodology that

most of us in this room need to embrace in order to organize? That issue has yet to be addressed.

It has been postulated that middle class people are basically a barrier group between wealth and poverty. Until working class and middle class people understand that we are being used as a barrier, we have no ability to really change economic systems. Therefore, you never organize around your self-interest, because working class and middle class people are being used. That is what has happened in the welfare reform debate in Massachusetts, and it is happening throughout the United States. The middle class people and working class people are upholding their function by saying, "Poor people are bad. You know we are just hanging on by our fingernails, but they're bad. I am going to be up here identified with the Newt Gingriches of the world, because he's pretty wealthy." The strategy that needs to be developed on that side of the class divide is to ensure that working class people and poor people cannot turn *away* from each other. The poor people are looking in one direction to see what is coming at them next and the middle class people are looking in the other direction like lap dogs saying, "Aren't we good? Throw us some crumbs." Working class and poor people should, instead, be looking *towards* each other and saying, "We're poor together. We're poor in different ways, but we're poor together. How do we change that?" I do not think anyone has addressed how to accomplish that goal. I would love for us to discuss how that could happen and how economic development strategies could be set up so that they affirmatively organize towards that goal, as opposed to functioning as a scared, defensive response to the current situation. Thank you for inviting me to speak here today.

DIANNE WILKERSON*

Good afternoon everyone. My name is Dianne Wilkerson. I grew up in Springfield, so this was a return home for me today. I went to college here and left here in 1978 to go to Boston to attend law school. My plan was to be in Boston for three years and on the day that they put my diploma in my hand, I was going to be on a train, plane, roller skates, anything, out of Boston. That was fifteen years ago, soon to be sixteen, and Boston is now my home. For reasons that are probably different than many would expect, I do not have any plans of leaving. I am currently nearing the end of my second term in the Massachusetts State Senate. It was never my professional plan to run for office and to go into debt to become an elected official.

I grew up in Massachusetts, as I said, and spent a good part of my childhood in a family with eight siblings and a single mom who worked two shifts for most of the time. The only time she got a vacation was when she got sick. So, having lived in a state that has gone through several different periods of what was called welfare "reform," this topic is very real to me. I remember in the early 1970s and 80s the legislature "reformed" welfare at least three times.

I remember in 1981 I left Springfield with two very small children, a three-year old and a four-year old, was divorced and went off to start my new life in law school. My sons are now twenty-three and twenty-two and both of them are seniors in college and soon to be out of my house. That is what we all live for as parents, don't we? I did not plan it, but I spent some of the years from 1980 to 1990, particularly the early 1980s during the time that I was in law school and for almost a half a year after that, on AFDC in Massachusetts. AFDC was a program, as I understood it, that was supposed to provide some temporary and stop-gap relief and that was exactly what I intended it to be. I think the only reason that I tolerated it was because I knew that it was going to be temporary. I have often said to people that there is nothing fair about welfare. Certainly, a whole lot more of what is said about welfare is hype than true.

Massachusetts, as had many other states, began to discuss welfare reform in the early 1990s. In the 1993 to 1994 legislative year,

* Senator, Massachusetts State Senate. B.S., 1978, American International College; J.D., 1981, Boston College Law School.

the Massachusetts State Legislature was about to embark on its fourth attempt at welfare reform in twelve years. Welfare reform was the reason that I decided to run for the State Senate in 1992.

I was a partner in a law firm and doing very, very well. My sons had both graduated from high school in 1992 and I thought: "Well, all of these things are coming together for me and if I'm ever going to do this, now is the right time." I decided that I was going to run for State Senate to represent a district that consisted of one-third of the City of Boston. I have 152,000 constituents. The majority of the constituent families that I represent in my district are single women who are heads of household. The majority of the public school students in the Commonwealth of Massachusetts are in my district. The poorest per capita income precincts in the City of Boston, and the wealthiest precinct in the City of Boston are both in my district. The largest number of gay and lesbian voters in Massachusetts are in my district. Sixty-one percent of the constituents are African-American and almost twenty percent are Hispanic. I represent every conceivable ethnic population. Of the forty senatorial districts in Massachusetts, mine is without question the most diverse.

It was, in fact, because of the make up of that district that I wanted to be involved in this discussion and to help shape and focus the direction of this discussion. I really believed that it was important that someone who was willing to admit to having been enrolled in the welfare system would be able to share some of the experiences and some of the realities about what life was really like in the system. And I say "admit" because I suspect that there were probably some other members in our 200 member legislature who had experienced the system at some point in their lives but would never admit it. It was not something that I was at all ashamed about, so, for me, it just made sense and that was the reason I decided to run. In the course of the national debate about welfare reform, there were things that happened in this country that were far, far beyond any expectation that I ever had. They brought the subject of welfare reform onto the national scene and changed the entire dynamic in a way that we never had to deal with in the past.

I have said to my colleagues that February 10, 1995, the day Massachusetts enacted its welfare reform law,¹ was without question the saddest moment for me in my entire professional life. The reason I say that is that I just never thought I would see the day

1. See MASS. GEN. LAWS ch. 118, § 2 (1995).

when elected officials, especially Democrats, would stand up and take pride in the fact that we were about to adopt the “meanest” welfare reform bill in the nation. We have been in a contest to see which state could adopt the “meanest” reform ever since then. It has totally engulfed our presidential campaign. Even in the Republican primary process, the fight was about who could be the meanest. Unfortunately, the targets of that meanness tend, on the whole, to be people who are defenseless and who are in no position to protect themselves. As I said, I am talking about Democrats and Republicans; this is not a partisan comment or critique for me. In fact the shame was that more of the debate was made in our body by Democrats who stood up and talked about how proud they were that we were about to do what we did.

When the bill became law in February of 1995, I said it sent shock waves throughout the advocacy community and service activist communities. It sent no more than a murmur throughout the community of people who are going to be affected by it. The reason is because most of them simply did not know. It was a debate that occurred outside of the confines of where they are, where they live, and where their children go to school. Therefore, many of these people have been learning about the details of our new welfare reform as we begin the implementation. They are learning by notice, by shock, and by surprise and one by one you watch the responses from the states across this country.

I have talked to a lot of school children and asked them what they think about law and what they think politicians do. When they think about the law they think about police, they think about courtrooms, they think about homicide and all the other things they see on TV. That is just a small part of what we do. What we do is create and adopt policies, like this welfare reform bill, that affect every single aspect of your sleeping and waking life. There is probably nothing that will have as profound an effect on this country as what we did in this debate and discussion on welfare reform.

I want to discuss what I think happened, how it happened, and the similarities to the public debate about affirmative action. There has, without question, been a national feminization of poverty. I think that welfare reform for many people became a tool to take out all of the “isms” that we have in this society in a way that was accepted or approved, whether we are talking about homophobia, racism, sexism, or discrimination against the poor. Worse than anything, I think, was the all-out attack on women that became so fashionable. I am not sure how we are going to get out of this pattern

because I think that some of the lines drawn in the sand will be hard to erase. The lines are dividing "us" and "them." The "thems" are the poor women. The "thems" are their children. The "us" is literally everybody else, and especially the class of people that we put in direct confrontation with the recipients; the working poor.

Nowhere else, nor in any other discussion, when we ask why working poor people should have to go without healthcare when people on AFDC are provided healthcare, is the answer to take healthcare away from the people on AFDC. Clearly, the practical thing to do would be to do what has been done in most other countries in this world, which is to provide healthcare to all citizens. This is what is done in many European countries with daycare.

I do not know how working poor people function. I do not know how they survive. I am absolutely blessed that I do not have to worry about daycare because it is extraordinarily expensive. That is the policy that we have created as a country. Children in Sweden get national healthcare and national daycare. These services are recognized as a critical part of family life and therefore something that is a function of government. In our country it has become a precious commodity for those who can afford it and, for the first time, those who cannot afford it are told they do not deserve it. The new policies are an absolute direct contradiction to the notion that what we want for people on welfare is for them to go to work.

During the welfare reform debate in Boston, two very different, very telling news stories highlighted the conflict. The first story was a front page article that showed a picture of a mom who was on AFDC sitting on a chair outside of her daughter's classroom in Brockton. She was an African-American woman who the *Boston Herald* suggested should be nominated for mother of the year. Her teenage daughter had been skipping school, and so she came to school with her and sat outside of the classroom to make sure that her daughter stayed in the classroom. She, as the *Herald* said, should be nominated as the mother of the year. Three or four weeks later there was a situation with another mom who lived in a housing development in Boston and who was struggling to stay off of AFDC. She actually had healthcare. She had two daughters, one was eight or nine years old and the other was fourteen. She could not keep the fourteen year old in the house. The mom worked at night. Out of absolute desperation and frustration, the mom put a rope around her daughter's waist and tied her to the radiator while she went to work, leaving about ten feet of rope so

that she could move around and get to the bathroom. This mom was arrested, handcuffed, and had her children taken away; portrayed as a wicked uncaring mother who abused her daughter. She appeared on daytime talk shows to attempt to tell her side of the story. These two stories highlight the contradiction of the messages we send and the conflict for many women who really want to figure out how to do what everybody else says they should do, that is to be able to simultaneously work and care for your own family.

We have, as I said, forty members in the Massachusetts State Senate. It was mentioned earlier that I was the first African-American female senator. In fact I am the only African-American, the only person of color, in our senate. This certainly is important and relevant to the issue of welfare reform. Though not dispositive of everything, the debate in the Senate was a decidedly unbalanced class discussion of welfare reform. During the debates people would stand up and say: "I have been campaigning and I am tired of walking up and down the street and knocking on doors and reading fifteen names on the doorbell, Maldonado and Gomez and Juarez and . . . oops! No racial slur intended." Then the next person would talk about "these women who have all these different babies, you know Elijah and Moses and . . . oops! No racial slur intended." The discussion was clearly racially motivated and, in fact, was one of the reasons that the legislation developed the way it did.

The evolution of the discussion was clearly effective. First, you paint this picture of a welfare mom and her children. They happen to be black or they happen to be Hispanic. Then you have this national debate about people who want to work and people who are tired of paying for people who don't want to work, and how we have to reform welfare. All the commercials and the news and features on the ABC, NBC, and CBS news were all about African-American and Hispanic people. The result was that when legislators all over this country went to their respective state houses to reform welfare, part of their intent—and it will never be acknowledged—was to put lazy black and Hispanic people in their place. So, by the time we started talking about the fact that the stereotype is not true, that the clear majority of people on welfare are not people of color, it was too late and the damage was done. There are even some people who wondered why we had not done this reform sooner.

My final note is this: We crossed a line in 1995 in this country. What we did violated the historical principle that the sins of the father shall not be visited upon the children. We have always

strived to find a way to address problems in a way that acknowledge the fact that you cannot punish parents without punishing their children. In fact, we had a whole network of social policies that really confirmed and affirmed that principle. We crossed that line in the last two years in this country when we decided that the children of poor people have no right to be anything but poor. That decision has resulted in a whole series of insidious policies that we have labeled "reform," but that really reform nothing—policies that say if you sign up for AFDC, you have two children, you cannot ever have more than two and if you have another child, you are on your own because we are not going to pay for that child. We are going to pretend that child does not exist. Of course, you will ask what happens if that child is unplanned. The answer is: "Well tough, she should have thought about that before she had it."

Two things relevant to the welfare reform debate have happened in Massachusetts in the last week or two. First, two of the most controversial parts of the welfare reform bill have started to unravel. The first was one which I voted against. I said that I could never support a bill that does not respect the idea that education is, for African-American and Hispanic people, absolutely the only guarantee that we have out of poverty. This is a principle that we were always taught: you work hard, you go to school, you do well, you get a high school diploma, you get a college degree, you become a productive, tax-paying citizen, and then you have lived up to your expectations. But what we did in this bill negated this principle. Working people can't quit work and go to school, it was argued, so why should we provide daycare for welfare recipients to go to school? This provision actually went against a policy that was put in place years ago which stated that if you had an approved welfare and education plan, then you had a right to complete that process. The bill just basically denied women the right to daycare while they completed their approved educational plan matriculation. The provision was repealed by the administration because there were signals that they were going to lose if they litigated the issue. The second part of the policy was that if women did not dime out the dads, by providing not just their name but their social security number, that their children would be cut off from AFDC. This is another one of the policies that I opposed initially. The State lost this battle in court. The judge sided with the recipients, and more importantly, with the children.

I suspect that there will be other parts of this plan that you are going to see unravel. Some will have to be litigated, and some will

be voluntarily acknowledged, although it will be very quietly done. In fact, I knew much of this was not going to work in the beginning, notwithstanding the fact that there were lawyers who stood up and stated that, "We have done our research and this is legal and you are welcome to challenge it."

I just hope and pray that there are going to be lawyers in many of the other states across this country to help fight this insidious policy in which we have decided that poor people have no right and no expectation of being anything but poor for the rest of their lives and neither do their children. That is what this is really all about. We have decided that we have no social obligation as citizens of this country to poor people and we have memorialized this decision in law. There are lawyers all over the country standing up and trying to defend this nonsensical view. So, we have a lot of work to do to combat this movement. Thank you.

LYNNE POLITO*

My name is Lynne Polito. I am a mother. I am an AFDC recipient. I am an organizer for ARISE for Social Justice. I am so glad to have met Dianne Wilkerson and to know that she is out there doing her work because, I will tell you, when the welfare reform bill came around, it felt like we had no friends. None. Nobody was standing up for us. It felt like the few people who were standing up for us were acting with a certain type of self interest, and that didn't feel good either.

I got into organizing because of being poor my whole life, or being working class, which is the same thing as being poor. People forget that welfare recipients are the labor force. We are working class people. We are the holders of jobs, temporarily not holding jobs. That is why we should be unionized. We should have a welfare union and should be saying, "You know we are not different than working class people." Many people are saying, "Don't give this to welfare recipients. I don't have healthcare. I don't have childcare." And I say to those people, "You know, well you should. And if you believe that taking those benefits away from welfare recipients is going to hand it over to you, you're really mistaken. Because that money isn't going anywhere except in some CEO's pocket and you are not going to see a penny of it." I guess I wanted to become an organizer my whole life.

I have always wanted to do something and to be active about something, without really feeling like I had something to contribute. Last year I was sitting with my five-month old baby worrying about my fuel assistance being cut off and how I was going to get heat the rest of the winter, when I saw Governor Weld on the news. He said, "There is not enough money in the budget to fund AFDC for the rest of the fiscal year. So don't call us, we'll call you." I said, "This isn't my government." I obviously did not encourage my friends to vote because if I had voted and if the people that I know who are on AFDC had voted, this situation would be different than it is right now. What Governor Weld did was cruel, it was unnecessary, and it was a horrible aggressive scare tactic, but it worked. You know AFDC moms, especially women who were in college programs, really got out there, they really fought. Sometimes they feel like they are different from the welfare mom because they are in school and feel they are doing "their part." There are other wo-

* Organizer for ARISE for Social Justice, in Springfield, Massachusetts.

men who supported Governor Weld because of really strong working class values. They were thinking, "Well, you know, I've seen that girl down the street who trades in her food stamps. This reform is good, I'm going to go back to school, and this is going to make her go to work." There was all kinds of misinformation and misunderstanding at the time about welfare reform.

If Governor Weld knew what effect this would have in children's lives, he would not do this to us. If those legislators knew what this would be doing to our communities, they would not do it. Then I said *no*, they know exactly what they're doing. This is not accidental. This is not misguided. This is not ignorance. This is purposely singling out children and women who don't vote and who have no voting power. I don't matter to them. They don't have to do anything for me because I'm not going to support them. I don't have a voice here. Feeling like this really put me over the edge; I decided that I needed to do something and so I got involved with *ARISE*.

I wasn't at all surprised when welfare reform passed. It wasn't shocking. It wasn't devastating. A lot of people just said, "Well hey, what do we do now, what happens from here?" A lot of organizing needed to be done because it wasn't an issue just for Massachusetts. Even if we could struggle with it and make some sort of difference in Massachusetts, it was going to be a national problem. And in fact, it will be a national issue.

I don't know if anybody has seen the *Reader's Digest* that just came out. It has a one page spread with a color coded map of the United States.¹ The map shows the states in which it is more lucrative to receive AFDC benefits than it is to work at a minimum wage job. The article stated that welfare recipients in Massachusetts received "more than a job with salary and benefits totaling \$30,000" a year.² I got together with my friends and we calculated our incomes and wondered where this \$30,000 was. Then I noticed that in teeny tiny little print at the bottom of the page it stated that the \$30,000 figure referred to what the states budget for their part of the AFDC grants: their responsibility for food stamps, the cost of the health-care that was provided for the families, and all the agency services that they received.³ They just put a cash value on those services. Apparently as a welfare recipient, my \$400 a month has been trans-

1. See *Why Work?*, *READER'S DIG.*, Mar. 1996, at 109.

2. *Id.*

3. *Id.*

lated into \$30,000 a year of cash value that I have accessible to me. This is just not the truth. This untruth is in a really believable, conservative magazine that people are looking at and seeing as evidence of what AFDC recipients are paid.

We do not know how these figures got out there, but we know this is not the truth about our lives. This kind of misinformation happens all the time. Over and over again, untruths are told about us. What do we do about it? We create organizations such as the one I'm involved in, and we make phone calls to the broadcast media. We tell them, "Don't put this stuff out there. This isn't true and I can't believe you said it. Where did you get your information?" Nobody really listens to us and it does not really make a difference in the way that we would like it to. Our biggest resources in the local media sources are STCC⁴ radio, which is the local technical community college radio station, and also the new *Contact* magazine and newspapers that are run by small communities.

You have all driven through Springfield and obviously you know this is a place of massive unemployment. These reforms don't seem to make any sense for us and we all know that. Unfortunately, all of those people in Boston knew that this was not reform that was *supposed* to be successful. It wasn't the kind of reform that was going to cause sweeping changes in attitudes and job availability for AFDC recipients. None of that was ever *supposed* to happen. What did come out of welfare reform is a feeling that AFDC recipients are no-good losers. We don't matter and it doesn't matter what the government does because we will take it.

I have talked with a lot of women who have said, "Well I guess I'll find a job at the supermarket." There is no future there. We all know that. There is childcare in a neighbor's house, and the woman who is taking care of your children is also an AFDC recipient. This frustrates me.

This isn't anything personal. But when we as AFDC recipients, as welfare recipients, or benefit recipients are then given some sort of opportunity to say what we really think needs to happen, it is in the context of this kind of an invitation. It's like we are outsiders who are being invited into the big discussion about welfare. The government decides it needs to discuss welfare, and then feels that it should invite a welfare recipient to participate in the discussions

4. Springfield Technical Community College, Springfield, Massachusetts.

to offer their ideas. But everybody listens and nothing ever changes. The government just goes on with its original plan.

All the big service agencies that exist to look out for our best interests are really fundamentally flawed because their jobs are dependent on my poverty. This causes me, every time I go to one of them, to really question the motives of everybody involved. "How much do you want me to succeed? Your job is my poverty. I may, at some point, get invited to do your job, because inevitably there will be one or two welfare recipients that get sucked into the social service agency world." The organizers with the most potential always get invited to join these agencies. They may have been in poverty for ten years and now we have the chance to work with the United Way, for example. Now they have health benefits, some sort of security, and the rent is going to be paid every month. Then they become really quiet because they have a lot at stake; they can't go back there to AFDC land. It's rough. It undermines the organizations that question the role of social service agencies in the lives of poor people.

I really want to strongly encourage legal scholars and students to become involved in this struggle. This week, at ARISE for Social Justice, we have gotten so many phone calls from students asking for "just forty-five minutes of our time" for an interview. They are really fresh faced and really excited about fighting these injustices. That kind of time is not free. Our time is valuable. We are organizers because we are on AFDC. We fight for social justice because we have to and because it is a question of our survival. We can't step back from this fight at our convenience, when it gets too hot or it gets too emotional or it takes too much energy or when we can't sleep at night. This is our livelihood; this is our survival. When we spend forty-five minutes talking to someone, like an intern, it costs something. That may mean that those who come to my organization and ask for our time should spend forty-five minutes doing volunteer work for us. You have to give something back when, as a privileged person who is not on AFDC and who is in a better financial situation, you take something. Our voice cannot just be used in any way that privileged people decide to use it. Our voice should be valued because, when you come to us and ask what we think needs to happen, we are the experts.

Everybody who can do so should reach really deeply into their pockets and give to organizations that fight for social justice; not to agencies that receive government money. Granted, what those agencies receive is sometimes not enough, but that is a different

battle. It is important to give to organizations that do not have a photocopier machine that works everyday, and that give interviews three or four times a week to really helpful, young, fresh faced law students. Make sure that something gets back to organizations that are active in the community and to people like me who are organizers and who put ourselves on the line on a regular basis. Our voices are not heard and are not valued. I want to reiterate this to make it really clear. Welfare recipients are the experts on welfare, welfare reform, and poverty. People who write papers are very helpful and it is really nice that you could bring all the information together and publish it. That's really great, but we are the experts. We know. We live it.

LARRY CATÁ BACKER*

PITIED BUT NOT ENTITLED: THE NORMATIVE
LIMITATIONS OF SCHOLARSHIP
ADVOCATING CHANGE**

We have just heard three wonderful presentations on the problems of welfare in the United States and two possible approaches to solving these problems. It is with some embarrassment, therefore, that I must note that with my talk, I may now oblige us to descend from those heights of hope to some level far more pedestrian and academic. I apologize for that, but one is what one is.

With that short introduction, I want to start by picking up a couple of strands of the discussion by the panelists who previously spoke. We have been talking here about economic justice. We have been talking here about fundamental problems with the way in which society is organized. We have been talking about fundamental social cleavages, core divisions between people as to race, ethnicity, social class, and their various combinations. We have been expressing, and very eloquently so, how bad this is, and how it needs to be changed, and even how, perhaps, there are ways in which we can start doing that. My view is somewhat more pessimistic, at least in the short run. I want to take my few minutes here with you to explain why this is so.

In her recent review of Linda Gordon's book, *Pitied but not Entitled: Single Mothers and the History of Welfare*,¹ and Jill Quadagno's book, *The Color of Welfare: How Racism Undermined the War on Poverty*,² Dorothy Roberts notes correctly that when we conceive of welfare and its reform we call to mind two quite distinct classes of people: citizens and subjects.³ "Welfare for citizens addresses defects in the economic *structure* in order to protect citizens' economic security. Welfare for subjects, on the other hand, attempts to change the individual's *character* in order to improve

* Professor of Law, University of Tulsa. B.A., 1977, Brandeis University; M.P.P., 1979, J.F. Kennedy School of Government, Harvard University; J.D., 1982, Columbia University.

** The following version of the author's remarks has been edited and footnoted by the author.

1. LINDA GORDON, *PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE 1890-1935* (1994).

2. Jill Quadagno, *THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY* (1994).

3. See Dorothy E. Roberts, *Welfare and the Problem of Black Citizenship*, 105 Yale L.J. 1563 (1996) (book review).

her motivation" for work.⁴ For "citizens," society is willing to alter its economic structuring by forcing business entities to contribute to unemployment compensation and social security *insurance* funds. These "citizens" are people who are facing temporary hard times and need the intervention of the state to supplement their wealth generating potential until they can get back on their feet. There is nothing wrong with them personally. For them, Congress will endeavor to reshape the economy to provide more jobs or greater protection from business contraction and labor market dislocations.

And what of the other, the "subject" class? This subject is generally female. Even before the federalization of welfare in the 1930s, the national government had moved to feminize the category "able-bodied deserving poor."⁵ As a consequence, welfare speaks of "she"; there is virtually no such thing as "he" in poverty discourse.⁶ For *her* there is no *insurance*; instead there are personal character flaws.⁷ What is required is the remodeling of her individual *economic character* to make her better suited for work. It is to this end that welfare reform is directed.

In a sense, the previous speakers at this conference have spoken of the need to integrate the world of the "citizen" with the world of the "subject." But that is the problem. As Dorothy Roberts goes on to note in her book review, "[t]reating AFDC [Aid to Families with Dependent Children] recipients as citizens rather than as subjects would require dramatic economic and social changes, including aggressive job creation, a higher minimum wage or a guaranteed minimum income, subsidized child and health care, and elimination of inequalities in the labor market."⁸ It is in this truth that tragedy lurks. "In this dispiriting age of welfare retrenchment, these books issue a call to rekindle the ideal of a universal, inclusive, and dignified welfare system that thus far has existed only

4. *Id.* at 1583 (emphasis added).

5. For a discussion of the relationship between welfare and females in the United States, see, for example, MIMI ABRAMOVITZ, *REGULATING THE LIVES OF WOMEN: SOCIAL WELFARE POLICY FROM COLONIAL TIMES TO THE PRESENT* (1988).

6. For able-bodied males, the only usual recourse is state general assistance programs. Since the federalization of welfare, these programs have become more scarce and less generous. For a discussion of state general relief, see Larry Catá Backer, *Medieval Poor Law in Twentieth Century America: Looking Back Towards a General Theory of Modern American Poor Relief*, 44 CASE W. RES. L. REV. 871, 965-1028 (1995).

7. For a discussion of the way in which character flaws shape federal welfare legislation, and especially the welfare reform efforts since 1988, see Larry Catá Backer, *Welfare Reform at the Limit: The Futility of "Ending Welfare as We Know It,"* 30 HARV. C.R.-C.L. L. REV. 339, 385-95 (1995).

8. Roberts, *supra* note 3, at 1583-84.

as a defeated dream."⁹ Welfare reform of the type represented by the speakers at this panel today exists only as a dream. The ideals of a system of constitutionalized social rights, or of progressive intervention on behalf of the poor, especially the poor of color, by any dominant group will be an elusive goal.

Worse yet, the *voices* of those who advocate such changes will not carry far beyond communities of color, and the colonies of "subjects" on whose behalf these voices rise to give voice to their dreams. For the others, for dominant cultural groups in this society, such voices do not register intelligibly. I want to explore with you the reasons why this is *necessarily so*.¹⁰

First, dominant society does not react well to rebellion. It is far easier to accept assimilated "others" into the fold (in some perhaps loose manner), than it is to recognize the "others'" normative points of view.¹¹ Indeed, the voices of assimilation are the only ones which appear intelligible to the dominant social order. It necessarily rejects those voices which do not buy into the necessity of assimilation and conformity.

Indeed, from the perspective of the dominant society, writers and thinkers such as Dorothy Roberts,¹² Julie Nice,¹³ Regina Austin,¹⁴ Linda Gordon,¹⁵ Jill Quadagno,¹⁶ Richard Delgado,¹⁷ and

9. *Id.* at 1565.

10. The discussion which follows is treated more fully in my recent work. See Larry Catá Backer, *By Hook or By Crook: Conformity, Assimilation and Liberal and Conservative Poor Relief Theory*, 7 HASTINGS WOMEN'S L.J. 391 (1996) [hereinafter Backer, *By Hook or By Crook*]; Larry Catá Backer, *Poor Relief, Welfare Paralysis, and Assimilation*, 1996 UTAH L. REV. 34-46 [hereinafter Backer, *Poor Relief*]; *Welfare Reform at the Limit*, *supra* note 7. For another insightful treatment of the issues raised in this talk, see Eleanor Marie Brown, Note, *The Tower of Babel: Bridging the Divide Between Critical Race Theory and "Mainstream" Civil Rights Scholarship*, 105 YALE L.J. 513 (1995).

11. On the importance of the assimilation imperative in welfare law, see Backer, *Poor Relief*, *supra* note 10, at 34-46. "Overt cultural assimilation acts positively, imposing unpleasant effects on deviant social classes and racial and ethnic groups. Trivialization is an important tool of assimilation." *Id.* at 39.

12. See, e.g., Dorothy E. Roberts, *Deviance, Resistance, and Love*, 1994 UTAH L. REV. 179; Dorothy E. Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, 1 AM. U. J. GENDER & L. 1 (1993); Dorothy E. Roberts, *The Value of Black Mothers' Work*, 26 CONN. L. REV. 871 (1994).

13. See, e.g., Julie A. Nice, *Welfare Servitude*, 1 GEO. J. ON FIGHTING POVERTY 340 (1994).

14. See, e.g., Regina Austin, "The Black Community," *its Lawbreakers, and a Politics of Identification*, 65 S. CAL. L. REV. 1769 (1992).

15. See, e.g., GORDON, *supra* note 1.

16. See, e.g., QUADAGNO, *supra* note 2.

17. See, e.g., Richard Delgado, *Rodrigo's Eighth Chronicle: Black Crime, White*

Gerald López,¹⁸ to name a few, are unintelligible, threatening and ultimately subversive. At their core, the work of these writers rejects the animating notions of dominant discourse in much the same way that dominant discourse had rejected and essentialized “them.”

These writers reject cultural conformity. They reject the notion that there is such a thing as a dominant normative ideal to which the poor can or ought to subscribe. They quite rightly understand that the notion of conformity within the dominant group is elusive and ultimately unattainable. They grasp all too well that even (and perhaps especially) liberal or progressive members of the dominant group essentialized them, decharacterized them, and then judged them as unworthy. As Gwendolyn Mink has accurately observed: “Pegging equality to cultural conformity while withholding the tools and the choice of conformity from African-Americans, liberal racism marked the Black mother, worker, and child as unassimilable.”¹⁹

For the dominant group, the notions expressed by these voices are mere noise; uncomfortable, irritating, and persistent. Such voices are not worth a credible listen, but they may be worth suppressing. And suppression occurs in that time honored method of social and cultural control—shunning. The dominant majority will tend to ignore writings which marginalize its views and seek to sweep away (without much ado, but with much scorn) its core normative values. Such writings do not communicate with the dominant group. They cannot. They will be ignored.

But rejection of dominant group hegemony is also a challenge to that hegemony, even (especially) when the challenge originates within subordinated groups. This is especially the case with a group that is quite jealous of the preeminence of its *cultural norms*. And if you do not believe in the willingness of dominant society to protect the integrity of its norms, merely recall the results of the 1994 congressional elections in which a majority was elected with the express purpose of preserving the traditional order, memorialized in the form of a “Contract with America.”²⁰

Fears—On the Social Construction of Threat, 80 VA. L. REV. 503 (1994); Richard Delgado, *Rodrigo's Second Chronicle: The Economics and Politics of Race*, 91 MICH. L. REV. 1183 (1993).

18. See, e.g., GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992).

19. GWENDOLYN MINK, *THE WAGES OF MOTHERHOOD: INEQUALITY IN THE WELFARE STATE, 1917-1942*, at 120 (1995).

20. See NEWT GINGRICH ET AL., *CONTRACT WITH AMERICA* (Ed Gillespie &

The response of the dominant, norm-setting groups in the United States has been evident in the two campaigns which those groups have so effectively waged since the 1970s. The first is that of the "equality of opportunity" crusade. The second is that of expansion; the willingness of dominant society to bring certain portions of the populations of once marginalized groups "into the fold."

Dominant culture has worked hard to establish the principle, at least the theory, of equality of opportunity. With this weapon, dominant society has embarked on a campaign to convince its self-described cultural deviants, again these essentialized groups of people of color, that the dominant group was *wrong* by withholding the tools of cultural conformity. Now those tools will be made available. Jobs will be made available. Training will be made available. Labor market impediments will be removed. Society will see to it that people of color are provided with the opportunity to work, invest, create capital—just like white people.²¹ This is reinforced by especially conservative scholarship that focuses on the triumphs of traditional conformity within communities of peoples of color. In the old days, people of color worked, raised their families, and got married before they had children—just like white people. Of course people of color were effectively permitted jobs only as sharecroppers, "hands" and maids!²² But that was okay; cultural conformity provided a model which could be used to live the happy life. This view is also evident in Charles Murray's backhanded com-

Bob Schellhas eds., 1994). For a discussion of the Contract with America and welfare policy, see Backer, *supra* note 7.

21. "In the normalized community, the best that a minority can be is 'like a normal person.'" Thomas L. Dumm, *The New Enclosures: Racism in the Normalized Community*, in *READING RODNEY KING/READING URBAN UPRISING* 178, 189 (Robert Gooding-Williams ed., 1993). Consider in this light the report of the Christopher Commission, produced in the aftermath of the 1992 Los Angeles riots. See *REPORT OF THE INDEPENDENT COMMISSION ON THE LOS ANGELES POLICE DEPARTMENT* (1991); Rhonda M. Williams, *Accumulation as Evisceration: Urban Rebellion and the New Growth Dynamics*, in *READING RODNEY KING/READING URBAN UPRISING*, *supra*, at 82, 82 & 94 n.1. But see ANDREW HACKER, *TWO NATIONS: BLACK AND WHITE, SEPARATE, HOSTILE, UNEQUAL* 61 (Macmillan Publ'g Co. 1992) (1987); Anthony D. Taibi, *Banking, Finance, and Community Economic Empowerment: Structural Economic Theory, Procedural Civil Rights, and Substantive Racial Justice*, 107 *HARV. L. REV.* 1463 (1994) (examining the economic structures that produce injustice and suggesting ways to reorient future efforts).

22. See LAWRENCE M. MEAD, *THE NEW POLITICS OF POVERTY: THE NONWORKING POOR IN AMERICA* (1992). Nathan Glazer, of course, is noted for his insistence that the old forms of informal aid structures (and systems of social control) be reinvigorated, especially among the poor of color. See NATHAN GLAZER, *THE LIMITS OF SOCIAL POLICY* (1988).

pliment to people of color, suggesting that poor women of color have made a sophisticated and correct choice to move away from cultural and economic assimilation because the alternative, the welfare "lifestyle," was the better choice economically.²³

The second campaign that the dominant society has embarked on is to divide and conquer. Dominant, and here I specifically mean white Anglo-Euro-Latin culture, will open the doors to "whiteness" for those groups of people of color who it deems readily assimilable. In effect, by reversing traditional patterns of race and ethnic rejection, it will seek to preserve its hegemony by scooping up everyone it can. Critical targets as communities (not as individuals) are light-skinned Latinos/as (Lalos) and certain Asians, especially those whose own cultures permit the suggestion that there is no difference between them and the dominant group. For them, the carrot is equality of result. If you conform, the dominant group suggests, then you will get all the economic benefits available to the dominant groups.²⁴

By saying, in effect, "you are white," by arguing that critical basic cultural norms are shared, and by making subtle distinctions based on home country, racial hierarchy, and economic status, dominant culture can minimize the actual threat to its dominance and isolate more clearly those who would challenge the application of its norms in the real world of the poor. With a smaller group to control, the dominant group can better preserve its normative substructure. That, after all, is the brilliance of the concept of the "melting pot." *E pluribus unum*.

The result: The dominant group need not engage in dialogue with those who reject this new social contract affirming the traditional cultural norms. To do so in their eyes would be tantamount to an acceptance of the notion that the socio-cultural norms on

23. See CHARLES A. MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY 1950-1980* (1984).

24. America has had a long experience with this tactic. It was not so long ago that Italians and other mediterranean European peoples were regarded as virtually non-white. Prejudice against the Irish was rampant in the Northeast well into this century. There are a number of works which explore this notion of an ever expanding "whiteness." See, e.g., ANDREW GREELEY, *ETHNICITY IN THE UNITED STATES: A PRELIMINARY RECONNAISSANCE* (1974). Jews, of course, were the alien nation, tolerated, but always barred from full participation in the economic trough available to "real" white people. See, e.g., DONALD WARREN, *RADIO PRIEST: CHARLES COUGHLIN, THE FATHER OF HATE RADIO 129-60* (1996). For a discussion of the negative implications of this strategy for "model minorities," see, for example, Sumi K. Cho, *Korean Americans vs. African Americans: Conflict and Construction*, in *READING RODNEY KING/READING URBAN UPRISING*, *supra* note 21, at 196, 196-211.

which dominant society is built must be destroyed or swept aside. How can one engage in dialogue with one's destroyer? And yet one might wonder whether that isn't indeed the kind of dialogue which the dominant culture expects of its "minorities." No society tolerates radical dissent if that society means to survive. Such dissent will either be co-opted or destroyed.²⁵ To the extent that minorities are painlessly co-opted, controlled, or radicalized, the invitation to engage in what can be characterized as radical scholarship plays a useful role in defense of the disciplining of dominant discourse. Rejectionist and separatist discourse, served up in a highly demonized form, is used to scare and intimidate dominant group elites seeking dialogue.²⁶ Perversely, as the tradition-rejecting scholars rightly note, past history and current practice offers little hope for real positive change short of what for many would amount to racial suicide or oblivion.²⁷

The effect, of course, is mutual incomprehensibility. Dominant narrative is irrelevant to peoples of color, primarily because it is shorn of the context in which these communities must exist; it essentially erases communities of color with the whitewash of dominant normativity. Yet the discourse accomplishes this without any real hope of substantial reprieve for communities of color. But there is only the slimmest hope that communities of color can really attain the status of "whiteness," whatever the hope that dominant discourse offers.²⁸

25. Consider the observation of Professor Richard Delgado: "There is actually a body of emerging writing that says empathy goes only so far, that we cannot identify with or love anyone who is too different from us, cannot resonate to a 'story' too unlike the one we usually hear." Richard Delgado, *Rodrigo's Third Chronicle: Care, Competition, and the Redemptive Tragedy of Race*, 81 CAL. L. REV. 387, 413 (1993).

26. See Backer, *By Hook or By Crook*, *supra* note 10, at 433.

Marginalized by dominant culture, consigned to the zoo of exotic (but dangerous) endeavors, transformative *critical* (outsider) theory at times best serves the very members of the dominant culture which this theory seeks to recast. Critical theory can be the dominant culture's theoretical bogeymen. It assumes its greatest social utility as fairy stories evoking images of the evil (witches, goblins, little people, spirits, deformities—you choose) which live in the dark, apocryphal forest just outside the safe clearing of current dominant norms. These are the kind of stories used by a dominant culture to reinforce its cultural norms. As our welfare reform debates since 1994 make clear, these images are more useful than ever, especially now that communism is no longer readily available for scapegoating.

Id.

27. Cf. Dorothy E. Roberts, *Deviance, Resistance, and Love*, 1994 UTAH L. REV. 179.

28. For a discussion of the notions of whiteness within the context of color, see, for example, Richard Delgado, *Rodrigo's Eleventh Chronicle: Empathy and False Em-*

The consequence is that people of color wind up having little more than interior dialogues.²⁹ Their voices, though more widely circulated, even in mainstream organs of communication, remain truly visible only to other people of color. Dominant groups remain outside this discourse and substantially unaffected by it.

Critical narrative is uncompromisingly subversive within dominant discourse and is treated accordingly. The corollary is that such discourse is marginalized in a perverse way. Its existence is used by the right as a wake up call for the culture wars. And on the left it is quietly viewed as a direct threat to the relationship, often paternalistic, between the left and communities of color.³⁰ Critical scholarship challenges the traditional assumption of the left that communities of color are nothing more than darker skinned Europeans. It advances the notion that it is the left which might have to change, perhaps as much if not more than the communities of color being "helped." This is disagreeable. It affects in a bad way the power relationships between the political alignments within the dominant communities. Suppression of this sort of rebellion by the left involves public acknowledgment and effective abandonment of the scholars of color.³¹

What follows is what always follows: People continue to do what they have always done—they shut their ears except to listen for what they want to hear. And in a world in which the dominant still dominate, the consequence for the relationship of an organized and diverse society to its poor, however defined, is that those relationships will continue to be defined solely by reference to unchanged dominant group norms. It is with this largely unhappy set of thoughts that I leave you today.

pathy, 84 CAL. L. REV. 61, 96-97 (1996); Neil Gotanda, *A Critique of "Our Constitution is Color-Blind,"* 44 STAN. L. REV. 1 (1991); Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993).

29. See Brown, *supra* note 10, at 515 ("When it comes to legal scholarship addressing race, by contrast, it is striking that despite the existence of critical race theory for nearly a decade, the response to it has generally been a conversation among those who identify themselves as critical race theorists.").

30. For a discussion of the problematic relationship between the left and communities of color, see Delgado, *supra* note 28, at 78.

31. Think about Lani Guinier in this way: The most effective way for the liberal dominant community to discredit her notions of the meaning of voting in a diverse community was to permit her views to be aired and distorted, and then, having acknowledged them, to walk away from her personally and intellectually. See, e.g., Anne Rochell, *Jesse Jackson Hits Clinton for Reneging on Promises*, ATLANTA J. & CONSTITUTION, June 20, 1993, at D10 (noting that President Clinton's nomination of Lani Guinier as Chief Civil Rights Enforcer was "withdrawn because she was perceived to have radical views on hiring quotas").