

A · N · N · U · A · L   E · D · I · T · I · O · N · S

# RACE AND ETHNIC RELATIONS



96/97

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# RACE AND ETHNIC RELATIONS 96/97

Editor

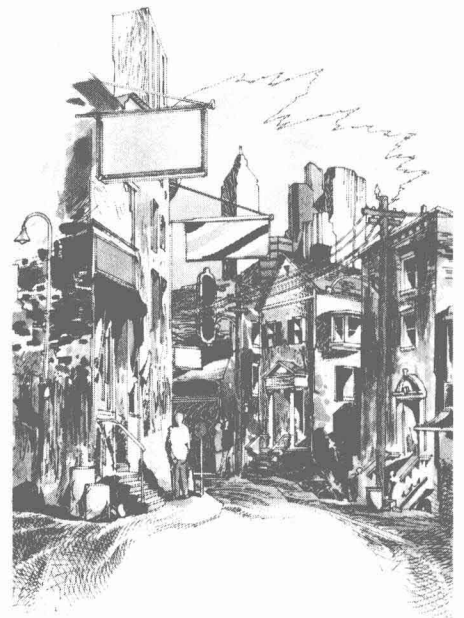
**John A. Kromkowski**  
Catholic University of America

John A. Kromkowski is president of The National Center for Urban Ethnic Affairs in Washington, D.C., a nonprofit research and educational institute that has sponsored and published many books and articles on ethnic relations, urban affairs, and economic revitalization. He is Assistant Dean of the College of Arts and Sciences at the Catholic University of America, and he coordinates international seminars and internship programs in the United States, England, Ireland, and Belgium. He has served on national advisory boards for the Campaign for Human Development, the U.S. Department of Education Ethnic Heritage Studies Program, the White House Fellows Program, the National Neighborhood Coalition, and the American Revolution Bicentennial Administration. Dr. Kromkowski has edited a series sponsored by the Council for Research in Values and Philosophy titled *Cultural Heritage and Contemporary Change*. These volumes include scholarly findings and reflections on urbanization, cultural affairs, personhood, community, and political economy.

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# To the Reader

In publishing ANNUAL EDITIONS we recognize the enormous role played by the magazines, newspapers, and journals of the *public press* in providing current, first-rate educational information in a broad spectrum of interest areas. Within the articles, the best scientists, practitioners, researchers, and commentators draw issues into new perspective as accepted theories and viewpoints are called into account by new events, recent discoveries change old facts, and fresh debate breaks out over important controversies. Many of the articles resulting from this enormous editorial effort are appropriate for students, researchers, and professionals seeking accurate, current material to help bridge the gap between principles and theories and the real world. These articles, however, become more useful for study when those of lasting value are carefully collected, organized, indexed, and reproduced in a low-cost format, which provides easy and permanent access when the material is needed. That is the role played by ANNUAL EDITIONS. Under the direction of each volume's *Editor*, who is an expert in the subject area, and with the guidance of an *Advisory Board*, we seek each year to provide in each ANNUAL EDITION a current, well-balanced, carefully selected collection of the best of the public press for your study and enjoyment. We think you'll find this volume useful, and we hope you'll take a moment to let us know what you think.

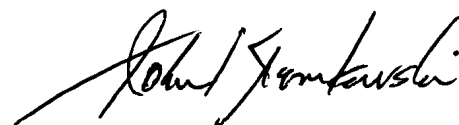
The information explosion and expansion of knowledge about the range of diversity among and within societies have increased awareness of ethnicity and race. During previous periods of history, society was discussed in terms of a universal sense of common humanity. Differences between societies and the arrangements of economic production were noted, but they were usually explained in terms of theories of progressive development or of class conflict that was leading toward a universal and homogenized humanity. Consciousness of the enduring pluralism expressed in ethnic, racial, and cultural diversity that constitutes the human condition has emerged throughout the world. It appears, however, that the dimensions of diversity are significantly, if not essentially, shaped by social, economic, cultural, and, most importantly, political and communitarian processes. Creativity and imagination influence ethnic and racial relations.

The following collection of articles was designed to assist you in understanding ethnic and racial pluralism in the United States. Unit 1, for example, illustrates how the most basic legal principles of a society—and especially the U.S. Supreme Court's interpretation of them—are especially significant for the delineation of ethnic groups and for the acceptance of cultural pluralism. Subsequent sections include illustrative articles of ethnic interaction with and within American society. The immigration of persons, the focus of unit 2, into a relatively young society such as America is of particular concern, because the fragility of social continuity is exposed by the recognition of changes in the ethnic composition of American society.

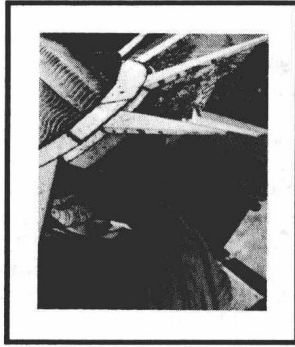
The contemporary experiences of indigenous groups, including Native Americans, are arranged in unit 3. Discussion of the experiences of the descendants of the earliest and the most recently arrived ethnic populations and the legal framework for participating in America is extended in unit 4 on Hispanic/Latino Americans and unit 5 on Asian Americans. Unit 6 explores various dimensions of the African American experience. The experiences of these ethnicities form a cluster of concerns addressed in the traditional literature that focused on marginality, minority, and alienation. New voices from within these traditions suggest bridges to the topics included in unit 7, titled "The Ethnic Legacy," which exposes and articulates neglected dimensions of ethnicity derived from the industrial development of America. Unit 8, "The Ethnic Factor: International Challenges for the 1990s," broaches national and international implications of ethnic exclusivity and the imperatives of new approaches to group relations. Unit 9 focuses on understanding the origins of racialism and the ideas that shape consciousness of group affinities and, especially, the emergence of scientific claims of racialism in public affairs. This section ends with suggestions that religious and ethnic affinities may emerge as a forceful social influence and that our inability to bridge racial and ethnic gaps as well as our misunderstandings of the paradoxes of integration could impose heavy burdens on regional and national efforts to resolve differences. Our national and universal moral sensibilities compel us to search for new paradigms and new approaches that foster values of institutional and attitudinal inclusiveness.

The American experience, especially those legal protections that are most sacred, has been explained by many as the development of personal freedom. This focus is not entirely valid. For nearly eight decades, Americans have become increasingly aware of the ways that group and personal identity are interwoven, forming a dense network of culture, economy, polity, and sociality. This perspective on the American reality was fashioned from the experiences of the children and grandchildren of post-Civil War immigrants to the United States. Their valuation of a new form of pluralism—one beyond the dichotomous divide of white-Negro/freeman-former slave—became central to a new vision of American society. Thus, their language of ethnic relations aspires to refashion the dichotomous logic of social divisiveness that is historically derived from the race-slavery consciousness and institutional legacy of the English-American tradition. This reinterpretative project opts for a more complex matrix of ethnicities and cultures that constitute our common humanity.

Readers may have input into the next edition of *Race and Ethnic Relations* by completing and returning the prepaid article rating form in the back of the book.



John A. Kromkowski  
Editor

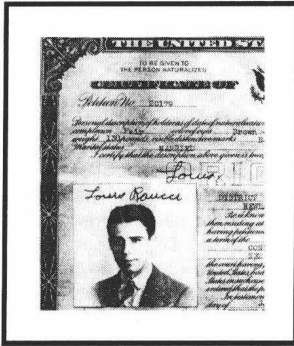


## Unit 1

### Race and Ethnicity in the American Legal Tradition

Eight articles in this section include Supreme Court decisions that established the legal definitions of race, citizenship, and the historic landmarks of equal protection and due process, as well as discussions of civil rights doctrine and implementation and the rise of new critical legal theories that challenge traditional remedies.

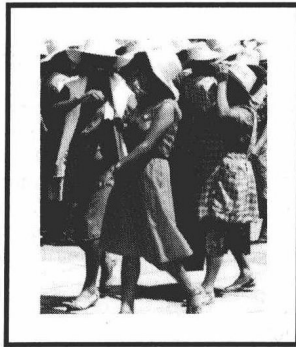
Topic Guide	2
Overview	4
1. <i>Dred Scott v. Sandford</i> , from <i>U.S. Reports</i> , 1856.	6
This case concerned Dred Scott, a slave who was taken by his owner to a free state, where he lived for several years until he was again taken back into a slave state. Dred Scott filed suit, claiming that because he had lived in a free state, he had lost his <b><i>status as a slave</i></b> . The U.S. Supreme Court ruled that Dred Scott was still a slave and that the U.S. Constitution did not protect African Americans—neither those free nor those held as slaves.	
2. <i>One Drop of Blood</i> , Lawrence Wright, <i>The New Yorker</i> , July 25, 1994.	10
This article explores the methods used to define <b><i>racial and ethnic variety</i></b> . The classification of racial and ethnic standards on federal forms and statistics proposed in 1977 by the Office of Management and Budget does not appear to be sufficient, and a reformulation of <b><i>government data</i></b> is currently under way.	
3. <i>Plessy v. Ferguson</i> , from <i>U.S. Reports</i> , 1896.	17
In this case the Supreme Court examined the constitutionality of Louisiana laws that provided for <b><i>the segregation of railroad car seating</i></b> by race. The Court upheld this type of “Jim Crow” law, contending that segregation did not violate any rights guaranteed by the U.S. Constitution. In a bitter dissent, Justice John Harlan argued that “our Constitution is color-blind, and neither knows nor tolerates classes among citizens.”	
4. <i>Brown et al. v. Board of Education of Topeka et al.</i> , from <i>U.S. Reports</i> , 1954.	24
In <i>Brown v. Board of Education</i> , the U.S. Supreme Court began to <b><i>dismantle state-supported segregation</i></b> of the nation’s schools. In this landmark opinion, the court overturned <i>Plessy v. Ferguson</i> , which had legitimized racial segregation of public facilities. The Court ruled that “in the field of public education, the doctrine of ‘separate but equal’ has no place,” for “separate education facilities are inherently unequal.”	
5. <i>University of California Regents v. Bakke</i> , from <i>U.S. Reports</i> , 1977.	27
In <i>Regents of California v. Bakke</i> , the U.S. Supreme Court addressed the question of whether or not a special admissions program to the medical school at the University of California at Davis that guaranteed admission for certain ethnic minorities violated the constitutional rights of better-qualified, <b><i>nonminority applicants</i></b> . In <i>Bakke</i> , a splintered Supreme Court upheld a lower court order to admit an applicant who had been denied admission on the basis of his race.	
6. <i>High Court Loosens Desegregation’s Grip</i> , Kevin Johnson and Andrea Stone, <i>USA Today</i> , June 13, 1995.	32
These accounts of Supreme Court decisions trace <b><i>a new line of argument and national policy</i></b> that promises to shift governmental programs designed to end school segregation and discrimination in employment and in public contracting.	
7. <i>As Deadline Nears, Court Leaders Pin Hopes on “Hold- ing 5,”</i> Joan Biskupic, <i>The Washington Post</i> , June 7, 1995.	34
Joan Biskupic explains what Supreme Court justices go through when writing majority rulings. Decisions are now being prepared in this term’s cases, one involving how much race can be considered in drawing up congressional voting districts.	
8. <i>Court Grows Critical When Race, Law Intersect</i> , Tony Mauro and Tom Watson, <i>USA Today</i> , June 30, 1995.	36
This article and its maps review a cluster of cases in which the Supreme Court ruled that using race as a primary reason for re- districting, to remedy discrimination and to enhance the chances of minority representation, is unconstitutional.	



# Unit 2

## Immigration: The American Experience in a New Era of Mobility

Seven articles in this section review the historical record of immigration and current concerns regarding patterns of immigration and the legal, social, cultural, and economic issues that are related to immigrants in the American experience.

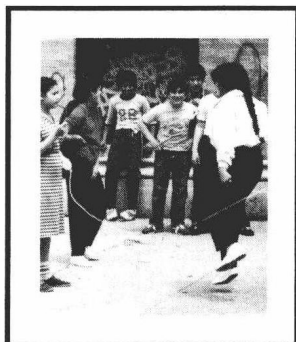


# Unit 3

## Indigenous Ethnic Groups

Seven articles in this section review the issues and problems of indigenous peoples, and they portray the new relationship indigenous people are forging with concurrent governments and the processes that protect indigenous traditions within pluralistic societies.

- Overview** 38
9. **A Nation of Immigrants**, Bernard A. Weisberger, *American Heritage*, February/March 1994. 40  
The author surveys *immigration* through periods of American history. America, he contends, is a nation of immigrants. The restrictionists' arguments have been heard before and will be heard again.
10. **Census Bureau Finds Significant Demographic Differences among Immigrant Groups**, Susan Lapham, *U.S. Department of Commerce News*, September 23, 1993. 53  
Susan Lapham's report on significant *demographic differences among immigrant groups* arrays an essential set of findings. Forecasts regarding the contributions of new immigrants to America can be derived from these findings.
11. **The Foreign-Born Population: 1994**, Kristin A. Hansen and Amara Bachu, *Current Population Reports*, August 1995. 58  
These social, economic, and geographic indicators establish a *quantitative framework and profile of the foreign-born populations* and an accurate baseline for discussion of current immigration issues.
12. **Is Latest Wave a Drain or Boon to Society?** Maria Puente, *USA Today*, June 30, 1995. 63  
Maria Puente offers an array of Immigration and Naturalization Service data from 1991 to 1993 on 2.2 million legal immigrants, the *geographic patterns of settlement*, and the results of a national poll of immigrants.
13. **Pride and Prejudice**, Brian Bergman, *Maclean's*, November 7, 1994. 66  
This reflection on *immigration in Canada* discusses the realities that are imposed by the movement of populations and the issues of settlement and group relations that challenge growing countries and attractive economies.
14. **Coping with Deportation—The Integration of Millions of Refugees**, Hans Klein, *Deutschland*, April 1995. 68  
Hans Klein explores *the consequences of immigration* and addresses the emergence of approaches to national unity that parallel the expansion of borders and the movement of peoples in Europe.
15. **The Limits to Cultural Diversity**, Harlan Cleveland, *The Futurist*, March/April 1995. 70  
This article ponders the *consequences of ethnic diversity* and prescribes a "cheerful acknowledgment of difference" as the imperative of a global civilization.
- Overview** 74
16. **12th Session of UN Working Group on Indigenous Peoples**, Glenn T. Morris, *Fourth World Bulletin*, Fall 1994/Winter 1995. 76  
This report on the United Nations' structures, debate, and unresolved questions regarding *the rights of indigenous peoples* as well as the role of the U.S. government in shaping issues of self-determination indicates new horizons for the current politics of conflict resolution among peoples and states.
17. **Paupers in a World Their Ancestors Ruled**, Eugene Robinson, *Washington Post National Weekly Edition*, July 8–14, 1991. 84  
Eugene Robinson explains how deteriorated *the position of the natives* of South America has become. Many Indians continue to live in areas today where their ancestors flourished centuries ago.



# Unit 4

## Hispanic/Latino Americans

Four articles in this section reveal the demographics of Hispanic/Latino Americans as well as the economic and political cultural dynamics of these diverse ethnicities.

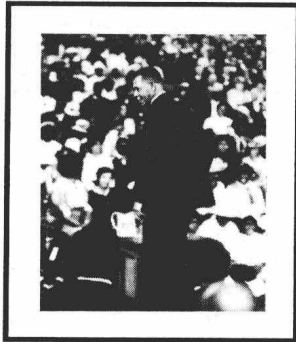
18. **Struggling to Be Themselves**, Michael S. Serrill, *Time*, November 9, 1992. 88  
 Michael Serrill's profiles of *indigenous populations* in Canada, the United States, and Latin America indicate the commonalities and differences that exist in this hemisphere and the relevance of political order to the framework of land, culture, and social identity that shapes the character of group relations.
19. **Return of the Natives**, Alan Thein Durning, *World Monitor*, March 1993. 90  
 This account of the global tapestry of *indigenous peoples and their relations to environmental issues* reveals the complex character of ecological concerns and the impact of international organizations and their responsibility for the protection of human rights as well as their contentions regarding use and control of natural resources.
20. **Why Did Chiapas Revolt?** Charles R. Simpson and Anita Rapone, *Commonweal*, June 3, 1994. 94  
 This account of the origins and causes that drove the revolt of *indigenous people* in Mexico exposes the strains between the center and margin that exist in large territorial states, the need for appropriate representation, and the potential for violence that challenges the process of large-scale political and economic integration.
21. **Towards Information Self-Sufficiency**, William B. Kemp and Lorraine F. Brooke, *Cultural Survival Quarterly*, Winter 1995. 97  
 William Kemp and Lorraine Brooke describe the intersection of information technology and ecology that has empowered *indigenous peoples*, with a focus on the Inuit of Nunavik.
22. **American Indians in the 1990s**, Dan Fost, *American Demographics*, December 1991. 101  
 Evidence suggests that a growing number of *Americans are identifying with Indian culture*. Mainstream appetites for ethnic culture, the development of businesses on reservations, and the urge to "go home" among middle-class Indians point to trends for the 1990s.
- Overview** 106
23. **Specific Hispanics**, Morton Winsberg, *American Demographics*, February 1994. 108  
 Morton Winsberg, with Patricia Braus, reports on the stereotypical groups that fall within the Hispanic category. Cultural and market differentiations create a quilt of many borders with the various ethnicities that are labeled *Hispanic/Latino American*.
24. **There's More to Racism than Black and White**, Elizabeth Martinez, *Z Magazine*, November 1990. 115  
 This is an account of the Chicano moratorium against the Vietnam War and the development of an ethnic ideology and grassroots participation. Elizabeth Martinez traces a cluster of issues that are pivotal to *coalition-building among racial and ethnic groups*.
25. **Born on the Border**, John Leland, *Newsweek*, October 23, 1995. 120  
 John Leland examines the meaning of singer Selena's music and reflects on the emergent vibrancy of *Tejano as a fusion of ethnicities* and the passing of a multicultural icon that seared our national consciousness with grief and loss.
26. **A Place of Our Own**, Kevin Coyne, *Notre Dame Magazine*, Spring 1995. 122  
 This analysis of *Hispanic American parish life* exposes the interior weave within the fabric of ethnicity and religion in Hispanic as well as other Catholic ethnic groups that are renegotiating religious and ethnic relationships.



## Unit 5

### Asian Americans

Four articles in this section explore dimensions of pluralism among Asian Americans and their issues related to the cultural, economic, and political dynamics of pluralism.



## Unit 6

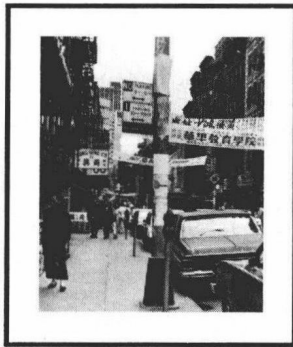
### African Americans

Seven articles in this section review historical experiences derived from slavery and segregation and then explore current contexts and persistent concerns of African Americans.

- Overview** 126
- 27. Asian Americans Don't Fit Their Monochrome Image,** 128  
Moon Lee, *Christian Science Monitor*, July 27, 1993.  
Moon Lee notes that the "model-minority" image of *Asian Americans*—"hard-working, intelligent people who have made it in America"—is often misleading. Many "face widespread prejudice, discrimination, and denials of opportunity."
- 28. A Migration Created by Burden of Suspicion,** 130  
Dirk Johnson, *New York Times*, August 14, 1995.  
Dirk Johnson profiles *Japanese Americans* and their resettlement throughout the country since their World War II internment and reveals the ongoing drama of pluralism.
- 29. Asian-Indian Americans,** Marcia Mogelonsky, *American Demographics*, August 1995. 132  
Marcia Mogelonsky geographically locates migration patterns and profiles the linguistic, cultural, and market segments of the *Asian Indian* population of America, a growing and affluent component of Asian diversity in this country.
- 30. Configuring the Filipino Diaspora in the United States,** 139  
E. San Juan Jr., *Diaspora*, Fall 1994.  
E. San Juan traces the relationship of Filipinos to the United States and critically reflects on the various attempts to fashion a meaningful narrative for *Filipino Americans* in the United States that includes the global dimensions of political claims extending to the future of the Philippines.

- Overview** 146
- 31. 10 Most Dramatic Events in African-American History,** 148  
Lerone Bennett Jr., *Ebony*, February 1992.  
This article recounts meaningful episodes of American history that constitute the popular tradition of *African Americans*. Here are 10 distinctive stories profiling the shared memory of experiences that define the special sense of peoplehood of this ethnic group.
- 32. Leader Popular among Marchers,** Mario A. Brossard and 152  
Richard Morin, *The Washington Post*, October 17, 1995.  
Mario Brossard and Richard Morin present a survey of opinions and attitudes of *participants in the Million Man March* of black men that captures the views, aspirations, energy, and interest of this stunning event.
- 33. An Angry "Charmer,"** Howard Fineman and Vern E. 155  
Smith, *Newsweek*, October 30, 1995.  
This account of Louis Farrakhan written following *the Million Man March* focuses on his life, his future plans, and his anticipated "move into the mainstream of American politics."
- 34. So You Want to Be Color-Blind,** Peter Schrag, *The American Prospect*, Summer 1995. 158  
Peter Schrag presents six alternative principles for affirmative action that sharpen our attention to the core concerns that have thus far perplexed efforts to achieve fairness and public consensus regarding the legitimacy of *race preferences in public policy*.
- 35. 40 Years after Brown, Segregation Persists,** William 164  
Celis III, *New York Times*, May 18, 1994.  
This is a historical account and contemporary report on the legacy of the landmark Supreme Court decision outlawing *school segregation*. The author reveals the efforts of two generations to provide equal protection required by the decree that found segregated schools to be unconstitutional.

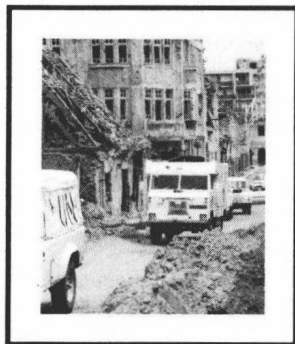




# Unit 7

## The Ethnic Legacy

Five articles in this section examine neglected dimensions of ethnic communities, their intersection with each other, and the influence of interethnic protocols within American society.



# Unit 8

## The Ethnic Factor: International Challenges for the 1990s

Five articles in this section look at the intersections of ethnicities and the impact of ethnic conflict and cooperation on international affairs and the prospect of peace.

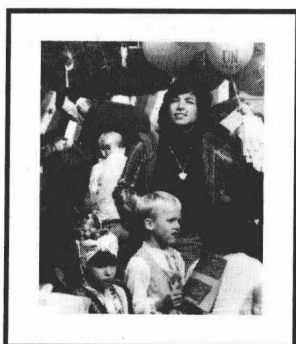
36. **Affirmative Action: Four Groups' Views**, Kevin Johnson and Andrea Stone, *USA Today*, March 24, 1995. This article reports the patterns of public *perceptions and assessments of affirmative action* that divide our opinions of this controversial attempt to end racial exclusion. 168
37. **Home Ownership Anchors the Middle Class: But Lending Games Sink Many Prospective Owners**, Scott Minerbrook, *Emerge*, October 1993. Scott Minerbrook narrates the process as well as the consequences of practices and patterns that persist in the exchange of real estate and the ownership of property, which reveals *the extent of segregation that continues* despite laws and regulations that promise the end of *racial discrimination*. 171

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38. **America's Dilemma**, Ellen K. Coughlin, *The Chronicle of Higher Education*, September 8, 1995. Ellen Coughlin surveys the host of new books that address the ongoing discussion of race and racism. The topics range from backlash to the uses of ethnicity and race in the construction of social reality and the influences of this process on the formation of *personal identity and group relations*. 178
39. **The New Ethnicity**, Michael Novak, from *Further Reflections on Ethnicity*, Jednota Press, 1977. This article explains the *origins and features of the new ethnicity*. Michael Novak proposes a generous and inclusive approach to understanding cultural diversity and the implications of ethnicity for those generations of Americans with roots in the large-scale immigration that ended in 1924. 181
40. **Italian Americans as a Cognizable Racial Group**, Dominic R. Massaro, *Italian Americans in a Multicultural Society*, 1994. Dominic Massaro provides an account of the *Italian American* struggle to ensure full participation under and full protection of the law that supports guarantees for ethnic education and cultural rights. 187
41. **The Other and the Almost the Same**, Paul Berman, *Society*, September/October 1994. Paul Berman reflects on *Jewish and African American relations* and searches for a wider interpretive framework from which the understanding of groups may emerge. 192
42. **The Arab American Market**, Samia El-Badry, *American Demographics*, January 1994. Samia El-Badry provides information about *Arab Americans* that invites us to search for the causes of stereotypic images that defy social reality. 205

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43. **Andrzej Szczypiorski: Poles and Germans**, Agnieszka Engelmann, *Deutschland*, April 1995. This interview with a Polish author provides a historical glimpse into the relationship between the Poles and Germans. He discusses their process of rethinking *the terms of nationhood*, which, both individually and collectively, he believes, will form the core of the new European reality that began at the end of the cold war. 212
44. **The Ends of History: Balkan Culture and Catastrophe**, Thomas Butler, *The Washington Post*, August 30, 1992. Thomas Butler's report on *the tragedy of Yugoslavia* uncovers the tangled roots of ancient conflict in the region. Current armed 214



## Unit 9

### Understanding Cultural Pluralism

Ten articles in this section examine the origins of misunderstandings regarding human variety, indicate the influence of race and ethnic opinions in selected contexts, and discuss the range of challenges that must be addressed to forge new approaches to understanding cultural pluralism.

- misuse of cultural memories and religious traditions exposes savagery that cries out for reconciliation and peace.
45. **The State of Bosnia-Herzegovina: Roots and Highlights of the Latest Balkan War**, *USA Today*, December 5, 1995. 217  
This essay presents the numerous causative factors behind the present conflict in the Balkan Peninsula and investigates the latest turmoil of hatred that challenges the *international community*.
46. **Ethnic Conflict**, Andrew Bell-Fialkoff, *The World & I*, July 1993. 218  
Andrew Bell-Fialkoff traces the modernity that attempted to implement a new social order designed supposedly to obviate the "primordial attachments" considered to be *the source of ethnic and racial identities*. The reemergence of ethnicities poses basic questions about the forms of social order that new governments will try to use in multiethnic societies.
47. **Passions Set in Stone**, Paul Goldberger, *The New York Times Magazine*, September 10, 1995. 224  
Paul Goldberger poses ongoing questions of ethno-religious relationships and the meaning of urban tolerance in the context of the Israeli-Palestinian peace process and accord that invite us to re-define what it means to be neighbors.
- Overview** 232
48. **Understanding Afrocentrism**, Gerald Early, *Civilization*, July/August 1995. 234  
This essay articulates the elements of an idea-force that has emerged in the intellectual and cultural ferment caused by *the insufficiency and inefficacy of Marxism*. The author examines the challenges of gender and eugenic ideologies that seek our advocacy as educational and social guideposts in an arena fractured by disagreement and discredit.
49. **Whose Peers?** Richard Lacayo, *Time*, Special Issue, Fall 1993. 242  
Richard Lacayo discusses the question of racial balance in juries and especially the problems of creating multiracial juries.
50. **Color Blinded? Race Seems to Play an Increasing Role in Many Jury Verdicts**, Benjamin A. Holden, Laurie P. Cohen, and Eleena de Lisser, *Wall Street Journal*, October 4, 1995. 244  
The implications of *jury trials in a multiethnic society*, the warrants for so-called cultural defense strategies, and the variety of perceptions that are driven by an ethnic-racial rationality that may strain confidence in the justice system are explored in this report.
51. **What Color Is Black?** Tom Morganthau, *Newsweek*, February 13, 1995. 247  
According to Tom Morganthau, Americans remain *preoccupied with race*: Race-based thinking affects our laws and policies, and blacks typically adhere to their role as *history's victims*, while whites grumble about *reverse discrimination*. Many continue to rank race relations as fair to poor.

<p><b>52. A Distorted Image of Minorities</b>, Richard Morin, <i>The Washington Post</i>, October 8, 1995. This article and its data regarding <i>race and ethnic perceptions</i> are indicative of persistent attitudes and anxieties generated by the present distorted methods of approaching and understanding ethnic diversity in America.</p> <p><b>53. Three Is Not Enough</b>, Sharon Begley, <i>Newsweek</i>, February 13, 1995. Sharon Begley addresses the rejection of <i>race as a biological category</i> by many cultural and physical anthropologists. Scientists are trying to explain the astounding diversity of humankind and its conventional racial categories—black, white, and Asian.</p> <p><b>54. Goin' Gangsta, Choosin' Cholita: Teens Today "Claim" a Racial Identity</b>, Nell Bernstein, <i>Utne Reader</i>, March/April 1995. Nell Bernstein explores the fluid and self-selective character of <i>ethnic identities</i> and the processes of self-definition that pluralism and diversity induce.</p> <p><b>55. The Geometer of Race</b>, Stephen Jay Gould, <i>Discover</i>, November 1994. This is a lucid account of the origins of the eighteenth-century scientific climate of thought and the disastrous shift in the method and mode of explanation that contributed to the racial misunderstandings that plague us today. The article reveals an important feature of theory construction derived from insight into the <i>history and philosophy of science</i>.</p> <p><b>56. Battling for Souls</b>, Carla Power and Allison Samuels, <i>Newsweek</i>, October 30, 1995. Carla Power and Allison Samuels trace the emerging force of religion in the shaping of character and consciousness and observe that it appears to be influencing the direction of <i>race and ethnic relations</i>.</p> <p><b>57. Bridging the Divides of Race and Ethnicity</b>, Martha L. McCoy and Robert F. Sherman, <i>National Civic Review</i>, Spring/Summer 1994. This article illustrates the importance of face-to-face, <i>local initiatives</i> in forging opportunities for convergence of agendas among the diverse backgrounds that exist in all communities.</p>	<p><b>249</b></p> <p><b>253</b></p> <p><b>256</b></p> <p><b>259</b></p> <p><b>264</b></p> <p><b>266</b></p> <p><b>273</b></p> <p><b>276</b></p> <p><b>277</b></p>
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# Topic Guide

This topic guide suggests how the selections in this book relate to topics of traditional concern to students and professionals involved with the study of race and ethnic relations. It is useful for locating articles that relate to each other for reading and research. The guide is arranged alphabetically according to topic. Articles may, of course, treat topics that do not appear in the topic guide. In turn, entries in the topic guide do not necessarily constitute a comprehensive listing of all the contents of each selection.

TOPIC AREA	TREATED IN	TOPIC AREA	TREATED IN
<b>Affirmative Action</b>	<ul style="list-style-type: none"> <li>5. <i>University of California Regents v. Bakke</i></li> <li>34. So You Want to Be Color-Blind</li> <li>36. Affirmative Action: Four Views</li> </ul>	<b>Demography (cont'd)</b>	<ul style="list-style-type: none"> <li>19. Return of the Natives</li> <li>23. Specific Hispanics</li> <li>27. Asian Americans Don't Fit Monochrome Image</li> <li>29. Asian-Indian Americans</li> <li>35. 40 Years after <i>Brown</i></li> <li>38. America's Dilemma</li> <li>42. Arab American Market</li> <li>43. Poles and Germans</li> <li>51. What Color is Black?</li> <li>52. Distorted Image of Minorities</li> <li>53. Three Is Not Enough</li> <li>55. Geometer of Race</li> </ul>
<b>Asian-Indian Americans</b>	<ul style="list-style-type: none"> <li>10. Census Bureau</li> <li>11. Foreign-Born Population</li> <li>29. Asian-Indian Americans</li> </ul>		
<b>Arab Americans</b>	<ul style="list-style-type: none"> <li>10. Census Bureau</li> <li>11. Foreign-Born Population</li> <li>42. Arab American Market</li> <li>47. Passions Set in Stone</li> </ul>		
<b>Canada</b>	<ul style="list-style-type: none"> <li>13. Pride and Prejudice</li> <li>16. UN Working Group</li> <li>18. Struggling to Be Themselves</li> <li>21. Information Self-Sufficiency</li> </ul>	<b>Discrimination</b>	<ul style="list-style-type: none"> <li>1. <i>Dred Scott v. Sandford</i></li> <li>2. One Drop of Blood</li> <li>3. <i>Plessy v. Ferguson</i></li> <li>4. <i>Brown v. Topeka Board of Education</i></li> <li>6. High Court Loosens Desegregation's Grip</li> <li>7. Court Leaders Pin Hopes on "Holding 5"</li> <li>8. Court Grows Critical When Race, Law Intersect</li> <li>9. Nation of Immigrants</li> <li>13. Pride and Prejudice</li> <li>14. Coping with Deportation</li> <li>24. There's More to Racism</li> <li>31. 10 Most Dramatic Events</li> <li>28. Migration Created by Burden of Suspicion</li> <li>34. So You Want to Be Color-Blind</li> <li>35. 40 Years after <i>Brown</i></li> <li>36. Affirmative Action: Four Views</li> <li>37. Home Ownership</li> <li>38. America's Dilemma</li> <li>40. Italian Americans</li> <li>41. Other and the Almost the Same</li> <li>46. Ethnic Conflict</li> <li>51. What Color Is Black?</li> <li>54. Teens "Claim" Racial Identity</li> </ul>
<b>Chinese Americans</b>	<ul style="list-style-type: none"> <li>10. Census Bureau</li> <li>11. Foreign-Born Population</li> <li>27. Asian Americans Don't Fit Monochrome Image</li> </ul>		
<b>Civil Rights</b>	<ul style="list-style-type: none"> <li>1. <i>Dred Scott v. Sandford</i></li> <li>2. One Drop of Blood</li> <li>4. <i>Brown v. Topeka Board of Education</i></li> <li>6. High Court Loosens Desegregation's Grip</li> <li>7. Court Leaders Pin Hopes on "Holding 5"</li> <li>8. Court Grows Critical When Race, Law Intersect</li> <li>15. Limits to Cultural Diversity</li> <li>16. UN Working Group</li> <li>31. 10 Most Dramatic Events</li> <li>34. So You Want to Be Color-Blind</li> <li>35. 40 Years after <i>Brown</i></li> <li>40. Italian Americans</li> </ul>		
<b>Courts</b>	<ul style="list-style-type: none"> <li>1. <i>Dred Scott v. Sandford</i></li> <li>3. <i>Plessy v. Ferguson</i></li> <li>4. <i>Brown v. Topeka Board of Education</i></li> <li>5. <i>University of California Regents v. Bakke</i></li> <li>6. High Court Loosens Desegregation's Grip</li> <li>7. Court Leaders Pin Hopes on "Holding 5"</li> <li>8. Court Grows Critical When Race, Law Intersect</li> <li>31. 10 Most Dramatic Events</li> <li>35. 40 Years after <i>Brown</i></li> <li>36. Affirmative Action: Four Views</li> <li>40. Italian Americans</li> <li>49. Whose Peers?</li> <li>50. Color Blinded?</li> </ul>	<b>Economy</b>	<ul style="list-style-type: none"> <li>9. Nation of Immigrants</li> <li>10. Census Bureau</li> <li>12. Is Latest Wave a Drain or Boon?</li> <li>18. Struggling to Be Themselves</li> <li>19. Return of the Natives</li> <li>34. So You Want to Be Color-Blind</li> <li>36. Affirmative Action: Four Views</li> <li>37. Home Ownership</li> </ul>
		<b>Education</b>	<ul style="list-style-type: none"> <li>4. <i>Brown v. Topeka Board of Education</i></li> <li>6. High Court Loosens Desegregation's Grip</li> <li>35. 40 Years after <i>Brown</i></li> <li>38. America's Dilemma</li> <li>48. Understanding Afrocentrism</li> </ul>
<b>Demography</b>	<ul style="list-style-type: none"> <li>2. One Drop of Blood</li> <li>9. Nation of Immigrants</li> <li>10. Census Bureau</li> <li>11. Foreign-Born Population</li> <li>12. Is Latest Wave a Drain or Boon?</li> <li>14. Coping with Deportation</li> <li>17. Paupers in a World</li> </ul>	<b>Family</b>	<ul style="list-style-type: none"> <li>2. One Drop of Blood</li> <li>9. Nation of Immigrants</li> <li>12. Is Latest Wave a Drain or Boon?</li> <li>26. Place of Our Own</li> </ul>

TOPIC AREA	TREATED IN	TOPIC AREA	TREATED IN
Gender	25. Born on the Border 32. Leader Popular among Marchers 33. Angry "Charmer"	Prejudice (cont'd)	26. Place of Our Own 27. Asian Americans Don't Fit Monochrome Image 28. Migration Created by Burden of Suspicion 31. 10 Most Dramatic Events 34. So You Want to Be Color-Blind 38. America's Dilemma 39. New Ethnicity 40. Italian Americans 41. Other and the Almost the Same 44. Ends of History 46. Ethnic Conflict 49. Whose Peers? 51. What Color Is Black? 52. Distorted Image of Minorities 53. Three Is Not Enough 55. Geometer of Race 57. Bridging Race and Ethnicity
Germany	14. Coping with Deportation 43. Poles and Germans		
Japanese Americans	9. Nation of Immigrants 10. Census Bureau 11. Foreign-Born Population 27. Asian Americans Don't Fit Monochrome Image 28. Migration Created by Burden of Suspicion		
Jewish Americans	9. Nation of Immigrants 41. Other and the Almost the Same 47. Passions Set in Stone		
Mexican Americans	20. Why Did Chiapas Revolt? 23. Specific Hispanics 25. Born on the Border 26. Place of Our Own	Quotas	2. One Drop of Blood 5. <i>University of California Regents v. Bakke</i> 6. High Court Loosens Desegregation's Grip 9. Nation of Immigrants 24. There's More to Racism 34. So You Want to Be Color-Blind 36. Affirmative Action: Four Views
Migration	9. Nation of Immigrants 10. Census Bureau 11. Foreign-Born Population 12. Is Latest Wave a Drain or Boon? 14. Coping with Deportation 17. Paupers in a World 23. Specific Hispanics 26. Place of Our Own 27. Asian Americans Don't Fit Monochrome Image 29. Asian-Indian Americans 30. Filipino Diaspora	Refugees	9. Nation of Immigrants 10. Census Bureau 11. Foreign-Born Population 12. Is Latest Wave a Drain or Boon? 14. Coping with Deportation 15. Limits to Cultural Diversity 44. Ends of History
Polish Americans	9. Nation of Immigrants 10. Census Bureau 11. Foreign-Born Population 43. Poles and Germans	Religion	26. Place of Our Own 33. Angry "Charmer" 47. Passions Set in Stone 56. Battling for Souls
Population	9. Nation of Immigrants 10. Census Bureau 11. Foreign-Born Population 14. Coping with Deportation 17. Paupers in a World 22. American Indians 23. Specific Hispanics 27. Asian Americans Don't Fit Monochrome Image 29. Asian-Indian Americans 42. Arab American Market	Segregation	1. <i>Dred Scott v. Sandford</i> 2. One Drop of Blood 3. <i>Plessy v. Ferguson</i> 5. <i>Brown v. Topeka Board of Education</i> 6. High Court Loosens Desegregation's Grip 31. 10 Most Dramatic Events 35. 40 Years after <i>Brown</i> 37. Home Ownership 41. Other and the Almost the Same 46. Ethnic Conflict 57. Bridging Race and Ethnicity
Prejudice	2. One Drop of Blood 3. <i>Plessy v. Ferguson</i> 4. <i>Brown v. Topeka Board of Education</i> 9. Nation of Immigrants 13. Pride and Prejudice 15. Limits to Cultural Diversity 19. Return of the Natives 20. Why Did Chiapas Revolt? 24. There's More to Racism	Vietnamese Americans	9. Nation of Immigrants 10. Census Bureau 11. Foreign-Born Population 27. Asian Americans Don't Fit Monochrome Image
		Violence	20. Why Did Chiapas Revolt? 43. Poles and Germans 44. Ends of History 47. Passions Set in Stone

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# Race and Ethnicity in the American Legal Tradition



The legal framework established by the original U.S. Constitution illustrates the way the American founders handled ethnic pluralism. In most respects, they ignored the cultural and linguistic variety within and between the 13 original states, adopting instead a legal system that guaranteed religious exercise free from government interference, due process of law, and the freedom of speech and the press. The founders, however, conspicu-

ously compromised their claims of unalienable rights and democratic republicanism with regard to the constitutional status of Africans in bondage and the indigenous Native Americans. Even after the Civil War and the inclusion of constitutional amendments that ended slavery and guaranteed equal protection of the laws to all, decisions by the U.S. Supreme Court helped to establish a legal system in which inequality and ethnic discrimina-

tion—both political and private—were legally permissible. In fact, it has been only recently that the Court has begun to redress the complex relationship between our constitutional system, our nation's cultural diversity, and ensurance of "equal justice under the law" for all persons.

Moreover, the history of American immigration legislation, from the Alien and Sedition Laws at the founding to the most recent statutes, establishes a legacy as well as a contemporary framework for governing the ethical, racial, and cultural populations in America. This legal framework continues to mirror the political forces that influence the definition of citizenship and the very constitution of ethnic identity and ethnic groups in America.

The legacies of African slavery, racial segregation, and ethnic discrimination established by the Constitution and by subsequent Court doctrines are traced in the following abbreviated U.S. Supreme Court opinions.

In *Dred Scott v. Sandford* (1856), the Supreme Court addressed the constitutional status of an African held in bondage who had been moved to a state that prohibited slavery. U.S. Supreme Court chief justice Roger B. Taney attempted to resolve the increasingly divisive issue of slavery by declaring that the "Negro African race"—whether free or slave—was "not intended to be included under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges that instrument provides for and secures to citizens of the United States." Contrary to Taney's intentions, however, *Dred Scott* further fractured the nation, ensuring that only the Civil War would resolve the slavery issue.

In *Plessy v. Ferguson* (1896), the Supreme Court upheld the constitutionality of "Jim Crow" laws that segregated public facilities on the basis of an individual's racial ancestry. The Court reasoned that this "separate but equal" segregation did not violate any rights guaranteed by the U.S. Constitution, nor did it stamp "the colored race with a badge of inferiority." Instead, the Court argued that if "this be so, it is not by reason of anything found in the act but solely because the colored race chooses to put that construction upon it." In contrast, Justice John M. Harlan's vigorous dissent from the Court's *Plessy* opinion contends that "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens."

In *Brown v. Board of Education of Topeka* (1954), the Supreme Court began the ambitious project of dismantling state-supported racial segregation. In *Brown*, a unanimous Court overturned *Plessy v. Ferguson*, arguing that "in the field of public education the doctrine of 'sepa-

rate but equal' has no place," because "separate educational facilities are inherently unequal."

After the civil rights movement of the 1960s and 1970s, the process of incorporating and institutionalizing the legal reforms took many forms. The Office of Management and Budget (OMB) guided national data collection, and boards of education and ongoing litigation fostered the end of segregation and of limits on access to employment and public facilities. Remedies for changing public behavior and speech were included in the panoply of approaches designed to foster an integrated society. Articles in this section mirror both contemporary and future implications of the ongoing tensions that the legal tradition is invited to resolve.

However, this era of civil rights consensus embodied in the landmark actions of the Supreme Court has been challenged by contemporary plaintiffs who have turned to the Court for clarification regarding specific cases related to the significance of race and ethnic criteria in public affairs. The impact of these reconsiderations and of the remedies that should be applied will undoubtedly reverberate in a variety of ways. The implementation of the voting rights remedies through gerrymandering, which attempts to ensure minority election by contriving clusters of black, Hispanic, and Asian populations rather than increasing the number of legislative districts, has exacerbated racial and ethnic competition for public participation.

Another response to diversity that has emerged in legal scholarship despairs of universal norms and standards. Proponents argue for a critical reinterpretation of legality that privileges the particular experiences of racial, ethnic, gender, and class populations. They claim that the exclusion of such insights in the pursuit of justice in a pluralistic society has severely handicapped the expansion of equality, effective due process, and the exercise of legal rights.

### Looking Ahead: Challenge Questions

Comment on the idea that the American political process has relied too extensively on the Supreme Court for doctrine and dogma regarding race and ethnicity.

The U.S. Congress is the lawmaking institution that authorized national policies of equal protection that are constitutionally guaranteed to all. What explains the disparity between the patently clear proclamation of equality and the painfully obvious practices of racial/ethnic discrimination?



# DRED SCOTT V. SANDFORD

December Term 1856.

MR. CHIEF JUSTICE TANEY delivered the opinion of the court.

This case has been twice argued. After the argument at the last term, differences of opinion were found to exist among the members of the court; and as the questions in controversy are of the highest importance, and the court was at that time much pressed by the ordinary business of the term, it was deemed advisable to continue the case, and direct a re-argument on some of the points, in order that we might have an opportunity of giving to the whole subject a more deliberate consideration. It has accordingly been again argued by counsel, and considered by the court; and I now proceed to deliver its opinion.

There are two leading questions presented by the record:

1. Had the Circuit Court of the United States jurisdiction to hear and determine the case between these parties? And

2. If it had jurisdiction, is the judgment it has given erroneous or not?

The plaintiff in error, who was also the plaintiff in the court below, was, with his wife and children, held as slaves by the defendant, in the State of Missouri; and he brought this action in the Circuit Court of the United States for that district, to assert the title of himself and his family to freedom.

The declaration is in the form usually adopted in that State to try questions of this description, and contains the averment necessary to give the court jurisdiction; that he and the defendant are citizens of different States; that is, that he is a citizen of Missouri, and the defendant a citizen of New York.

The defendant pleaded in abatement to the jurisdiction of the court, that the plaintiff was not a citizen of the State of Missouri, as alleged in his declaration, being a negro of African descent, whose ancestors were of pure African blood, and who were brought into this country and sold as slaves.

To this plea the plaintiff demurred, and the defendant joined in demurrer. The court overruled the plea,

and gave judgment that the defendant should answer over. And he thereupon put in sundry pleas in bar, upon which issues were joined; and at the trial the verdict and judgment were in his favor. Whereupon the plaintiff brought this writ of error.

Before we speak of the pleas in bar, it will be proper to dispose of the questions which have arisen on the plea in abatement.

That plea denies the right of the plaintiff to sue in a court of the United States, for the reasons therein stated.

If the question raised by it is legally before us, and the court should be of opinion that the facts stated in it disqualify the plaintiff from becoming a citizen, in the sense in which that word is used in the Constitution of the United States, then the judgment of the Circuit Court is erroneous, and must be reversed.

It is suggested, however, that this plea is not before us; and that as the judgment in the court below on this plea was in favor of the plaintiff, he does not seek to reverse it, or bring it before the court for revision by his writ of error; and also that the defendant waived this defence by pleading over, and thereby admitted the jurisdiction of the court.

But, in making this objection, we think the peculiar and limited jurisdiction of courts of the United States has not been adverted to. This peculiar and limited jurisdiction has made it necessary, in these courts, to adopt different rules and principles of pleading, so far as jurisdiction is concerned, from those which regulate courts of common law in England, and in the different States of the Union which have adopted the common-law rules.

In these last-mentioned courts, where their character and rank are analogous to that of a Circuit Court of the United States; in other words, where they are what the law terms courts of general jurisdiction; they are presumed to have jurisdiction, unless the contrary appears. No averment in the pleadings of the plaintiff is necessary, in order to give jurisdiction. If the defendant objects to it, he must plead it specially, and unless the