

WIDENING THE LENS OF JUSTICE: UNMASKING THE LAYERS OF RACIAL AND SOCIAL INEQUALITY

FOREWORD

Isabelle R. Gunning

Southwestern Law Review's Spring Symposium *Widening the Lens of Justice: Unmasking the Layers of Racial and Social Inequality*, produced in collaboration with the Southwestern Black Law Students Association seeks to respond to the mass movement for change that resulted from the murders of George Floyd, Breonna Taylor and numerous other African Americans at the hands of the police. The Review was very conscious in inviting speakers who would "widen the lens of racial and social injustice from police brutality to issues surrounding the environment, wealth and economics, criminal prosecution, and voting rights focusing both on a retrospective view of oppression as well as a progressive view for systemic change."¹

I personally enter this discussion created by the *Widening the Lens* symposium from the policing perspective.² My interest in policing issues developed out of my work as a commissioner on the Los Angeles County Commission on Human Relations (LACCHR) and my general background. In the Spring of 2015, I was appointed a commissioner on the LACCHR by Los Angeles County Board of Supervisor Sheila Kuehl. But long before that,

1. *Southwestern Law Review to Host "Widening the Lens of Justice: Unmasking the Layers of Racial and Social Inequality"* – February 5, 2021, SWLAW BLOG: EVENTS (Jan. 21, 2021), <https://www.swlaw.edu/swlawblog/202101/southwestern-law-review-host-widening-lens-justice-unmasking-layers-racial-and>. To view the entire symposium, including the welcome, keynote, and closing addresses delivered by Congressman Adam Schiff, Vice Dean Franita Tolson of USC Gould School of Law, and Los Angeles County Supervisor Holly J. Mitchell, which are described later in the foreword, see Southwestern Law School, *Widening the Lens of Justice: Unmasking the Layers of Racial and Social Inequality*, YOUTUBE (June 11, 2021) [hereinafter Southwestern Law School, *Widening the Lens of Justice*], <https://www.youtube.com/watch?v=JCNBbqTm4FY>.

2. For my presentation from the *Widening the Lens* symposium, see Southwestern Law School, *Widening the Lens of Justice*, *supra* note 1, at 5:44:21.

I was and remain a racial/social justice activist, scholar, and teacher, who has focused for years on conflict resolution. Specifically, I focused on how to bring together stakeholders from across the political, economic and social spectrum who do not agree with each other to talk about and resolve the difficult problems that confront us as a society. My interests in multicultural dialogue and the search for and creation of shared values in the context of racial and other socially defined power and hierarchy dynamics³ form the crux of the work that I do.

The sad and, for those of us who are African American, personally painful truth is that the murders of Mr. Floyd and Ms. Taylor in the summer of 2020 were not unique in terms of the disproportionate number of unarmed Black people who are killed at the hands of the police.⁴ The deaths of Black people at the hands of the police became more obvious two summers ago; the deep wounds of loss that the vast majority of Black Americans feel were shared, partially, with Americans of all races; the outrage and anger that Black Americans feel and repress were shared and expressed by and with a broad and multicultural range of people both in the United States and globally this past summer. But the fact of Black people dying at the hands of police was not a new phenomenon.⁵

Policing in broad terms has long and historically been problematic for African American and Latinx communities and for other communities of color, especially when they are low income or working class. Indeed, the LACCHR grew out of a committee established by the Los Angeles County Board of Supervisors in 1944 in the aftermath of one of the unfortunately too numerous problems of policing in Black and Brown communities called the

3. See generally Isabelle R. Gunning, *Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries*, 23 COLUM. HUM. RTS. L. REV. 189 (1992); Isabelle R. Gunning, *Diversity Issues in Mediation: Controlling Negative Cultural Myths*, 1995 J. DISP. RESOL. 55 (1995); Isabelle R. Gunning, *Lawyers of All Faiths: Constructing Professional Identity and Finding Common Ground*, 39 J. LEGAL PRO. 231 (2015).

4. An empirical study from Rutgers University School of Criminal Justice assessed the risk of being killed by police use of force comparing race/ethnicities and sexes. It found that Black men are 2.5 times more likely to be killed by police in their lifetime than white men. Black women also face a 1.4 times probability over white women. Their study also projects that about 1 in 1,000 Black men are going to be killed by police in their lifetime. Frank Edwards et al., *Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex*, 116 PROC. NAT'L ACAD. SCI. 16793 (2019).

5. *Police Have Killed 959 People in L.A. County Since 2000*, L.A. TIMES <https://www.latimes.com/projects/los-angeles-police-killings-database/#nt=00000172-6be6-d818-a7fb-6bfe448e0001-liE0promoSmall-7030coll-main> (Feb. 22, 2022) (“Since 2001, at least 959 people have been killed by law enforcement in Los Angeles County, according to homicide records from the county medical examiner-coroner . . . Almost all of the dead were men, nearly 80% were Black or Latino. More than 97% were shot to death.”).

“Zoot Suit Riots.”⁶ These riots represent the problem of the lack of police protection when whites commit private violence against Black and Brown people. The riots lasted several days during which gangs of white servicemen, off-duty police officers, and civilians attacked largely Mexican American young men wearing the fashionable “zoot suits,” which were most popular in the African American and Mexican American community.⁷ As the mobs of whites attacked Latinx men—slashing their clothing, stripping them of their suits, and leaving them half-naked, beaten, and bloodied—Los Angeles police officers looked on and intervened only to arrest the Mexican American victims.⁸

Another prominent example of the problems of policing in the Black community—this one involving police officer aggression in encounters with African American residents—is the Watts Rebellion of 1965. The triggering event for this uprising was a violent encounter between the police and a local resident of the Watts neighborhood here in Los Angeles; the result was six days during which the frustrated community protested and challenged decades of police abuse and brutality.⁹ These two examples broadly represent the problem—underprotection and overpolicing.¹⁰

The year 2015, when I was appointed, was a significant one as it marked the fiftieth anniversary of the Watts Rebellion in Los Angeles. The LACCHR decided that it needed to commemorate the Watts Rebellion by looking at the reforms that had occurred in police practices since 1965 and by examining the tensions and mistrust between communities of color and the police that still existed in 2015.¹¹ Consistent with a key tenet of Critical Race Theory that the lived experiences of oppressed people are important

6. *Who We Are*, L.A. CNTY COMM’N ON HUM. RELS., <https://hrc.lacounty.gov/who-we-are/> (last visited Feb. 22, 2022).

7. *Zoot Suit Riots*, HIS. <https://www.history.com/topics/world-war-ii/zoot-suit-riots> (Sept. 15, 2020).

8. *Id.*

9. *Watts Rebellion*, HIS., <https://www.history.com/topics/1960s/watts-riots> (Jun. 24, 2020).

10. L.A. CNTY. COMM’N ON HUM. RELS., *REDEFINING POLICING WITH OUR COMMUNITY* 33 (2020) [hereinafter *REDEFINING POLICING WITH OUR COMMUNITY*] (“Strategic Aim #4 – End Overpolicing & Underprotection of Vulnerable Communities: Both data and community perceptions confirm that our poorest and most vulnerable Angelenos have the least access to equitable law enforcement. Equity under the law is indispensable in building trust and deepening a cooperative relationship with the diversity of communities in Los Angeles County.”).

11. *LA County Commission on Human Relations Releases “Redefining Policing with Our Community” Report*, WORKFORCE DEV. AGING & CMTY SERVS., <https://wdacs.lacounty.gov/lacounty-commission-on-human-relations-releases-redefining-policing-with-our-community-report/> (last visited Feb. 22, 2022).

epistemic sources,¹² the LACCHR decided to hold hearings in all five supervisorial districts in the County along with a special hearing for LGBTQ+ and women of color in order to hear from policed residents themselves on how they experienced policing.¹³ We also had a hearing with the more “traditional” policing experts—police chiefs, inspector generals, legal experts, and academics.¹⁴ But our focus was and remains to center and privilege the voices of those belonging to communities of color and to hear from them on how policing actually is experienced by them.¹⁵ We partnered with some twenty community-based organizations to ensure our outreach in the numerous and varied sections of the Los Angeles community.¹⁶ Altogether, we held over seventeen hours of meetings with testimony from 169 speakers in the community public hearings. The hearing for law enforcement experts was approximately three additional hours and included testimony from some eight high-ranking representatives from our local police forces—including from the Los Angeles Sheriff’s Department and the Los Angeles Police Department, as well as smaller forces like the Long Beach Police Department.¹⁷ In addition, we invited thirteen subject matter experts: representatives from the Office of the Inspector General and the Sheriff’s Civilian Oversight Commission as well as lawyers like Samuel Paz, whose practice involves suing the police over abuse endured by his clients, and Peter Bibring, who works on policing issues at the American Civil Liberties Union of Southern California. We also heard from academics like the great Professor Kelly Lytle Hernandez, who received the MacArthur “Genius” Fellowship in 2019 and has written extensively on the history of

12. “The ‘voice of color,’ as it is termed, seems to imply that critical race theorists have a deeper understanding of certain issues than their white counterparts. For example, a black storyteller may have a better perspective on

experiencing prejudice when trying to make a purchase at an upscale store than a white storyteller. This issue of ‘standing’ (who has the right to redress a grievance) usually comes into play when white scholars talk and write about racial encounters or other subjects outside their experience. Critical race theorists believe that, while white scholars should not be excluded from writing about such subjects, they are often better addressed by minorities.” RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 91-92 (2001).

13. *REDEFINING POLICING WITH OUR COMMUNITY*, *supra* note 10.

14. *Id.*

15. *Id.*

16. *Policing and Human Relations Project*, L.A. CNTY. COMM’N ON HUM. RELS., <https://hrc.lacounty.gov/wp-content/uploads/2020/06/LACCHR-Policing-and-Human-Relations-Project-Fact-Sheet-11.2019.pdf> (last visited Feb. 22, 2022).

17. *See generally Commission Meetings*, L.A. CNTY. COMM’N ON HUM. RELS., <https://hrc.lacounty.gov/commission-meetings/> (last visited Feb. 22, 2022); *Press Release June 22, 2020*, L.A. CNTY. COMM’N ON HUM. RELS. (June 22, 2020), <https://hrc.lacounty.gov/press-release-june-22-2020/>.

immigration, prisons, and policing and how they all intersect with race in Los Angeles.

After the formal hearings, we did follow-up feedback sessions—thirty-eight of them with some forty-two groups and organizations.¹⁸

It took us close to five years to complete all the hearings and the resultant video and report.¹⁹ I had the privilege of being the president of the LACCHR at the time and thus presided over all the hearings. At the end of this five-year process, we produced a report, which we titled *Redefining Policing with Our Community: A Collaborative Report from the Testimony of Los Angeles County Residents and Stakeholders*.²⁰

By the time our report was released in the Spring of 2020, the murders of George Floyd and Breonna Taylor had occurred and the streets of Los Angeles—like so many in the United States and around the world—were filled with protests and movement demands for structural and systematic change.²¹ Black Lives Matter was both a demand and the name of the movement that was instrumental in fueling the protests.²²

Redefining Policing with Our Community lists thirty-four recommendations, all of which were based on the testimony of community residents and stakeholders.²³ These recommendations range from the following:

Reforms within the current system, such as:

- Requiring public access to information about police officers with abuse and misconduct in their history, and

18. *Press Release June 22, 2022*, *supra* note 17.

19. *Executive Summary of Report*, L.A. CNTY. COMM’N ON HUM. RELS. <https://hrc.lacounty.gov/executive-summary-of-report/> (last visited Feb. 22, 2022); *Redefining Policing with Our Community: Policing & Human Relations Project*, LA County WADCS, VIMEO (Apr. 6, 2020, 9:17 PM), <https://vimeo.com/404844532>.

20. *REDEFINING POLICING WITH OUR COMMUNITY*, *supra* note 10.

21. Kevin Rector & Emily Alpert Reyes, *Highly Critical Report Faults LAPD for Mishandling Summer George Floyd Unrest*, L.A. TIMES (Mar. 11, 2021, 4:36 PM), <https://www.latimes.com/california/story/2021-03-11/new-report-faults-lapd-for-mishandling-summer-unrest>.

22. Alicia Garza, Patrisse Cullors, and Opal Tometi founded #BlackLivesMatter in 2013 as a response to the acquittal of Trayvon Martin’s murderer, George Zimmerman. The national organization now has 40 chapters, has the mission of intervening in violence inflicted on Black communities by the state and vigilantes, and serves as “an affirmation of Black folk’s humanity, our contributions to this society, and our resilience in the face of deadly oppression.” *Herstory*, BLACK LIVES MATTER <https://blacklivesmatter.com/herstory/> (last visited Feb. 22, 2022).

23. *REDEFINING POLICING WITH OUR COMMUNITY*, *supra* note 10, at 6-9.

- Requiring the use of independent prosecutors when investigating police officers who are involved in the use of force and killing of civilians.²⁴

Reforms that have the potential to challenge the current system, such as:

- Reallocating and increasing funds to expand and fully resource non-law enforcement community-based initiatives that pro-actively address core issues of poverty, education, health, safety, and youth development, and
- Establishing a culture of well-being and harm reduction in Los Angeles County.²⁵

What we were hearing overall from Los Angeles County residents and stakeholders was a need to redefine public safety: defined and led by the communities that need to feel and be safe but are not.²⁶ In this re-definition, police would be only one component of public safety; the largest part of “public safety” would focus on access to quality schools, employment, housing, health care (physical and mental), parks and all the aspects of a full and complete life that feels and is “safe.”²⁷ The LACCHR continues to support our County residents through our community partners in this re-definition and in the policies and changes that must flow from it.²⁸ One of those key changes that must come is to Re-fund the Community²⁹ and fully fund all the social services that have been severely reduced due to “austerity” measures.³⁰

24. *Id.* at 6.

25. *Id.* at 8-9.

26. *Id.* at 4-5.

27. *Id.* at 43.

28. *See id.* at 51-52.

29. I first heard the preference for statements to “Refund the Community” over “Defund the Police” from lawyer and activist Connie Rice. The term centers on improving community structures through reallocation of funds from militarized police forces rather than simply focusing on the taking away of resources from a broken system. *See also* Lakayana Drury et al., *Opinion: Defund Police and Refund the Community*, OREGONIAN: OREGONLIVE (June 10, 2020), <https://www.oregonlive.com/opinion/2020/06/opinion-defund-police-and-refund-the-community.html>.

30. *See* Ari Berman, *How the Austerity Class Rules Washington*, NATION (Oct. 19, 2011), <https://www.thenation.com/article/archive/how-austerity-class-rules-washington/> (“This includes six- and seven-figure donations to groups like the CRFB, the Concord Coalition, the Committee for Economic Development and the Peterson Institute for International Economics. It’s largely because of [Peter G.] Peterson that programs like Social Security and Medicare, favored by nearly 90 percent of the public, are savaged as bloated ‘entitlements’ and are consistently on the chopping block.”).

Given my work with the LACCHR, this symposium on “widening the lens of justice” fits well with the calls for re-defining public safety that have been raised here in Los Angeles County and across the country.³¹

Speakers at the symposium, which was hosted on February 5, 2021, addressed other issues of criminal justice, including policing reform and progressive prosecution. Two of the articles in this issue take a deeper dive into just some of the topics presented at the symposium during a criminal justice panel of which I was a part.

Professor Kenneth Williams’ article *Death Penalty and Race and How the Ultimate Punishment Highlights the Flaws in our Criminal Justice System* examines the many reasons that the death penalty is being disproportionately applied to African Americans.³² His article documents that criminal “justice” trials are anything but just when the defendant is African American and demonstrates how stacked the cards are in a criminal “justice” trial.³³ The article also advocates and lays out a plan for the United States to abolish the death penalty, which is something that most of the rest of the globe has already done.³⁴

Professor Njeri Mathis Rutledge’s article *Real Justice for Breonna - Re-envisioning Knock-and-Announce* discusses how knock-and-announce requirements are minimal to non-existent when officers claim a need to prevent evidence from being destroyed.³⁵ For there to be real justice for Breonna Taylor and others, Professor Rutledge argues that we should reexamine whether we should have such deferential standards in policing and warrant execution.³⁶

31. Black Lives Matter protests also emerged in many countries, including Belgium, England, Korea, Australia, and Brazil. While some of the protests were in solidarity with the BLM efforts taking place in the United States, others were similarly-directed protests against the racism that exists in their respective countries. Jen Kirby, “*Black Lives Matter*” Has Become a Global Rallying Cry Against Racism and Police Brutality, VOX (June 12, 2020, 7:30 AM), <https://www.vox.com/2020/6/12/21285244/black-lives-matter-global-protests-george-floyd-uk-belgium>; see also Tim Stickings, *Statue of Belgium’s King Leopold II Is Removed in Antwerp After It Was Vandalised by Anti-racism Protesters Because of His Colonial Rule*, DAILY MAIL (June 9, 2020, 12:12 PM), <https://www.dailymail.co.uk/news/article-8402717/Statue-Belgiums-King-Leopold-II-removed-Antwerp.html>.

32. Kenneth Williams, *The Death Penalty and Race and How the Ultimate Punishment Highlights the Flaws in our Criminal Justice System*, 50 S.W. L. Rev. 407 (2022).

33. *Id.*

34. *Id.* at 417; see also *Roper v. Simmons*, 543 U.S. 551, 575 (2005).

35. Njeri Mathis Rutledge, *Real Justice for Breonna – Re-envisioning Knock-and-Announce*, 50 S.W. L. Rev. 419, 421 (2022) (“The exceptions and deference the court gives to police officers in the name of officer safety and evidence preservation swallowed the knock-and-announce rule while damaging individual liberties.”).

36. *Id.*

However, the symposium went beyond issues contained in criminal justice. Its mission was to expose and explore racial and social justice issues encompassed in a range of areas that could allow for a true, community-defined re-definition of public safety, such as the environment and access to natural resources; economic limitations on the accumulation of present day and generational wealth; and diminishing voting rights and representation—all areas that might not have the attention of the media.³⁷

In *Growing Concerns About Spatial Inequality Related to the COVID-19 Economy: Reflections on Place Based Policies*, Professor Kenya Covington discusses the impact of the COVID 19 pandemic on communities of color compared to white communities.³⁸ In order to equitably alleviate the economic shocks that communities of color experience due to the COVID-19 recession, Dr. Covington considers policies that specifically support these communities as a whole rather than policies that focus on individuals, such as congressional stimulus checks.³⁹ She argues that by investing in particular communities, we can develop these entire communities and create within them the infrastructure needed to withstand the next recession or natural disaster.⁴⁰ This quite literally is a call to Refund the Community.

These same communities of color are also frequently the ones forced to bear the adverse environmental burdens associated with economic expansions. In *New Steps Toward Environmental Justice: The California Coastal Act and Environmental Justice near Ports*, Heather Kryczka, Natalia Ospina, and Taylor Thomas highlight that communities near ports commonly experience unhealthy air quality, water contamination, and substantial levels of noise, among other adverse environmental conditions.⁴¹ The authors charge the Coastal Commission, established under the California Coastal Act,⁴² to do its part in protecting port-adjacent communities of color from suffering such concentrated environmental injustice by encouraging “meaningful engagement with directly impacted communities”⁴³—an approach that, if properly done, would generate a community defined

37. See *supra* text accompanying note 1.

38. Kenya L. Covington, *Growing Concerns About Spatial Inequality Related to the COVID-19 Economy: Reflections on Place Based Policies*, 50 S.W. L. Rev. 437 (2022). For a recent article on the breadth and depth of the psychological impacts of the COVID-19 pandemic on the mental health of African American communities in particular, see Lonnie R. Snowden and Jonathan M. Snowden, *Coronavirus Trauma and African Americans' Mental Health: Seizing Opportunities for Transformational Change*, 18 INT'L J. ENV'T RSCH. AND PUB. HEALTH 3568 (2021).

39. Covington, *supra*, note 38 at pt. III & IV.

40. *Id.* at pt. IV.

41. Heather Kryczka et al., *New Steps Toward Environmental Justice: The California Coastal Act and Environmental Justice near Ports*, 50 S.W. L. Rev. 463 (2022).

42. CAL. PUB. RES. CODE §§ 30000-30900 (West 2018 & Supp. 2021).

43. Kryczka et al., *supra* note 41, at 495.

understanding of what redefining public safety might look like in the environmental justice context.

As one of the symposium's featured speakers, Congressman Adam Schiff, opened the day with a conversation about an issue receiving increased attention and funding in the focus on Refund the Community—the gap in access to quality healthcare for lower income communities of color brought to the forefront by the COVID-19 pandemic.⁴⁴ Congressman Schiff discussed his proposed Equal Health Care for All Act,⁴⁵ which, if signed into law, would create clear and enforceable standards in healthcare. In addition, it would create new incentives for doctors to improve accessibility to healthcare by providing grants to hospitals that serve disadvantaged communities.⁴⁶

And where Congressman Schiff left off, Los Angeles County Supervisor Holly J. Mitchell picked up. In her featured address, Supervisor Mitchell addressed the role of local government in the movement towards racial and social equity.⁴⁷ In one example, she described how her work in a coalition to seek subpoena power for police oversight commissions in order to hold law enforcement accountable inspired state law.⁴⁸ This law is an example of the power of community collaboration and lifts up ~~a~~ one method for creating community-defined solutions in the area of police accountability.

The Symposium also sought to address a question common in conversations about racial inequities and racist systems: *how did we get here?*

In her Keynote Address at the symposium, University of Southern California Gould School of Law Vice Dean, Franita Tolson, gave one possible explanation for this: *failure to constitutionalize our democratic expectations*.⁴⁹ She argues that to ensure the democratization of our culture over time, we must constitutionalize our expectations through amendments and elect political leaders willing to adhere to our norms and values.⁵⁰ We

44. For Congressman Adam Schiff's welcome address, see Southwestern Law School, *Widening the Lens of Justice*, *supra* note 1, at 6:28.

45. Equal Health Care for All Act, H.R. 8436, 116th Cong. (2nd Sess. 2020) [hereinafter Equal Health Care for All Act]; see also *Press Release: Schiff Introduces Legislation Addressing Systemic Racism and Inequality in Health Care by Treating It as a Civil Rights Issue*, CONGRESSMAN ADAM SCHIFF (Sep. 29, 2020), https://schiff.house.gov/news/press-releases/schiff-introduces-legislation-addressing-systemic-racism-and-inequality_in-health-care-by-treating-it-as-a-civil-rights-issue.

46. Equal Health Care for All Act, *supra* note 45.

47. For Supervisor Holly J. Mitchell's closing address, *Owning Our Collective Power to Advance Justice*, see Southwestern Law School, *Widening the Lens of Justice*, *supra* note 1, at 7:49:31.

48. Assem. Bill 1185, 2019-2020 Reg. Sess. (Cal. 2020).

49. For Vice Dean Franita Tolson's Keynote Address, *Constitutionalizing Our Democratic Expectations*, see Southwestern Law School, *Widening the Lens of Justice*, *supra* note 1, at 3:49:30.

50. *Id.*

must have leaders in Washington that represent the norms, morals, and will of the people.⁵¹

This brings us to the last article in this issue: *Partisan Gerrymandering as a Threat to Multiracial Democracy*, which addresses the obstacles to one of the most fundamental ways in which community members make their will, definitions, and values known in a democracy: voting rights.⁵² In this article, Professor Bertrall Ross addresses how, in deciding that political gerrymandering was a non-justiciable question in *Rucho v. Common Cause*, the Supreme Court has effectively allowed Republicans to maintain control in many arenas despite the dwindling percentage of overall Republican voters.⁵³ Professor Ross asserts that as the Republican party continues to grow increasingly white and increasingly racist, we are likely to see the greatest amount of redistricting in favor of Republican politicians.⁵⁴ Unless we are willing to call it what it is, racial gerrymandering under the veil of political parties, then we are likely going to see the greatest threat to democracy—in particular to a multiracial democracy that is reflective of all the members of the American polity—that has ever been seen in American history.⁵⁵

The articles in this symposium issue provide sobering facts on “the layers of racial and social inequity” and inspiring lessons on some of the work that needs to be done to “widen the lens of justice.” I know that all readers will find each one informative.⁵⁶ I hope that each reader will be encouraged to envision justice and to participate in the creation of justice for everyone in our nation and the world.

51. *Id.*

52. Ross Bertrall, *Partisan Gerrymandering as a Threat to Multiracial Democracy*, 50 S.W. L. Rev. 509 (2022).

53. *Id.* at 510-11 (citing *Common Cause v. Rucho*, 139 S. Ct. 2484 (2019)).

54. *Id.* at 520 (“In 2019, the Pew Research Center found that whites made up 81% of Republican votes despite being 60% of the U.S. population.⁵⁴ In Congress, 91.4% of Republicans in the House of Representatives and 94% of Republicans in the Senate are white.⁵⁴ The whiteness of the Republican Party has persisted despite a consistent shift in the nation’s demographics in favor of people of color. That persistent whiteness of the Republican Party has been associated with a rising racial conservatism that targeted President Obama and his race.” (citations omitted)).

55. *Id.* at 524-25.

56. I would also encourage the readers to view the welcome, keynote and closing addresses on our website as additional examples of insight on the historical sources of racial and social inequity as well as of inspiration on some of the creative solutions that can be taken to transform those inequities to justice. *Supra* note 1.