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RACE AS PROXY: AN INTRODUCTION

*Michele Goodwin**

That America's forefathers debated whether blacks were worthy of citizenship, and ultimately decided that they were undeserving, is formula and precedent by which some scholars suggest blacks continue to be judged.¹ By declaring that blacks would never be full citizens, but rather hold a "quasi"-type citizenship, those who helped to shape America's moral character, criminal laws, religious ideology, policies, and legal doctrine, seemingly and irreparably distinguished blacks as subjects or objects of the law. Citizenship would be an elusive concept for blacks, even after guarantees promised by an amended U.S. Constitution. In this way, blacks were objects to be acted upon rather than autonomous actors or individuals to whom rights attached.

Chief Justice Roger B. Taney's opinion in the infamous *Dred Scott* decision is informative on this point. The Chief Justice concluded that blacks, freed or not, "had no rights which the white man was bound to respect."² In this seminal pronouncement, Taney struck down the Missouri Compromise and made it clear that all blacks, liberated or enslaved, were not and could never become citizens of the United States.³ Taney opined, "the Negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever profit could be made by it."⁴ The Court's opinion remains hauntingly unambiguous. The Court held that "it is too clear for dispute, that the enslaved African race were not intended to be included, and formed

* Assistant Professor, DePaul University College of Law. LL.M., University of Wisconsin; J.D., Boston College Law School. Many thanks to the outstanding students who coordinated the *DePaul Law Review* Symposium, *Race as Proxy in Law and Society: Emerging Issues in Race and the Law*, and most particularly Mark Bradford and Joshua Herman for their incredible investments in the process and patience in carrying the project to fruition.

1. For a discussion on issues of race, poverty, and citizenship during the antebellum period, see James W. Fox, Jr., *Citizenship, Poverty, and Federalism: 1787-1882*, 60 U. PITT. L. REV. 421 (1999). See also Dorothy Roberts, *Welfare and The Problem of Black Citizenship*, 105 YALE L.J. 1563 (1996) (book review) (discussing welfare and the problem of black citizenship).

2. *Dred Scott v. Sandford*, 60 U.S. 393, 407 (1856).

3. *Id.*

4. *Id.*

no part of the people who framed and adopted" the Declaration of Independence.⁵

Authors in this Symposium issue reflect upon the use of race as proxy in law and society. They interrogate the compromised status of "colored" citizenship, critiquing biological explanations once used to justify legal and social subordination of blacks, and now used for profit-making in the pharmogenetic industry, the role of media in a racially divided democracy, as well as exploring the usefulness of race-based remedies from civil rights to reparations. Their articles are insightful, useful commentaries about race in America and also the broad reach of race in a global economy. The authors speak to the mundane reality of racism in America and its impermeable reach within the most intimate spheres of daily life, affecting healthcare, voting, political knowledge and opportunity, employment, and even shopping. Central to the treatment of race as a proxy in American society are the struggles involving citizenship, rights, ethics, and humanity.

Maria Grahn-Farley agrees with Dorothy Roberts that the founding of American citizenship implicitly relied upon the denial of citizenship to those of African descent.⁶ This was most expediently achieved through the collective negative imaging of blacks. Historians comment that blacks were perceived as too immature, unsophisticated, and intellectually inferior to properly exercise the rights granted to citizens, including the right to vote, receive fair wages, contract, and exercise individual autonomy.⁷ They were considered an "inferior class of beings" who had to be "subjugated by the dominant race," holding no rights except those the government might choose to give them.⁸ Frederick Law Olmsted, for example, commented on the su-

5. *Id.* at 410.

6. See Roberts, *supra* note 1, at 1574.

7. See, e.g., W.E.B. DU BOIS, *THE SOULS OF BLACK FOLK* (Penguin Books 1996) (1903); LERONE BENNETT, JR., *FORCED INTO GLORY: ABRAHAM LINCOLN'S WHITE DREAM* (1999); NELL IRVIN PAINTER, *SOJOURNER TRUTH: A LIFE, A SYMBOL* (1996) (chronicling the life of former slave, stateswoman, and abolitionist, Sojourner Truth); RICHARD C. WADE, *SLAVERY IN THE CITIES: THE SOUTH 1820-1860* (1964) (scrutinizing urban slavery, race relations, violence, and the legal and social conditions under which the chattel system thrived). See also WILLIAM H. HARRIS, *THE HARDER WE RUN: BLACK WORKERS SINCE THE CIVIL WAR* (1982) (commenting on the economic rights associated with fair wages and labor). Harris observed that the need for black labor was apparent, but that blacks were not treated as respected adult laborers because they were pacified with diminutive wages. Harris also commented that when blacks were inclined to strike in protest of their punitive treatment, whites were known to respond with violence. *Id.* at 28.

8. *Dred Scott*, 60 U.S. at 404-05.

perfidious “childlike” relationship between blacks and whites.⁹ Thomas Jefferson referred to slaves in terms of chattel and animals, suggesting that they possessed dull imaginations, were tasteless, and foul in odor.¹⁰ As slaves, lacking voting power, credit power, and access to education, blacks would not possess the legal or social means to move themselves beyond servitude.¹¹ They were, according to Justice Taney, “an unfortunate race.”¹² By contrast, poor whites, who certainly experienced a compromised status in America, nonetheless benefited economically—even if marginally—from the absolute subjugation of blacks.¹³ Moreover, poor whites were not considered chattel within the law or society. As suggested by W.E.B. Du Bois, this quagmire was not wholly unintentional, as the concept of racial superiority would psychologically compensate poor whites by providing “public and psychological wage” and thereby diametrically position black inferiority in counterbalance to collective white dominance.¹⁴

Slavery itself was more easily justifiable if blacks, in popular cultural imagination and legal texts, possessed infantile and unsavory attributes. Stereotyping across race was dichotomous, positioning people of color more often as lazy and whites as productive. Lu-in Wang describes this form of situational racism as promoting self-fulfilling stereotypes.¹⁵ In our society, according to Professor Wang, race can act as a proxy for a long list of characteristics, qualities, and statuses. For people of color, the most powerful of these associations are the negative, which carry negative consequences. Color is linked with laziness, incompetence, and hostility, as well as disfavored political viewpoints, such as a lack of patriotism and disloyalty to the United States. Professor Wang’s analysis holds true for Asian Americans who were interned during World War II. Professor Wang suggests that

9. See FREDERICK LAW OLMSTED, *A JOURNEY IN THE BACK COUNTRY* 444-46 (Burt Franklin 1970) (1860) (detailing the paternalism and violence associated with slavery in southern cities).

10. See, e.g., THOMAS JEFFERSON, *NOTES ON THE STATE OF VIRGINIA* (William Peden ed., 1955) (1787). Much irony is found in Jefferson’s ownership and wealth emanating from slavery and his appropriation of sex from his wife’s half sister, the slave known as Sally Hemings. One does not know how white men, including Jefferson, reconciled such opinions with fathering the children born of their liaisons.

11. See, e.g., Cheryl I. Harris, *Finding Sojourner’s Truth: Race, Gender, and the Institution of Property*, 18 CARDOZO L. REV. 309 (1996).

12. *Dred Scott*, 60 U.S. at 407.

13. See Derrick Bell, *After We’re Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L.J. 393 (1990).

14. See W.E.B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA: AN ESSAY TOWARD A HISTORY OF THE PART WHICH BLACK FOLK PLAYED IN THE ATTEMPT TO RECONSTRUCT DEMOCRACY IN AMERICA, 1860-1880*, at 700 (1935).

15. See Lu-in Wang, *Race as Proxy: Situational Racism and Self-Fulfilling Stereotypes*, 53 DEPAUL L. REV. 1013 (2004).

race can act as the proxy for criminal deviance and racial profiling in law enforcement, and that race also has implications for how people of color are treated in contexts as mundane as retail transactions and healthcare. Much of the latter form of race-based decision making escapes legal sanction. Professor Wang informs us that legal scholarship, drawing from cognitive and social psychological research, has shown that the intentional discrimination model inadequately accounts for the ways in which race- and gender-based biases are most likely to infect an individual's decision making.

Essential to the sanctioning and political health of slavery and the protection of white landowners' interests was the denial of black citizenship and other exclusions.¹⁶ Thus, although laboring and living in America, blacks were without placement and political identity in the United States.¹⁷ Blacks' lack of political identity and recognition had psychological as well as economic implications for people of color and whites in the United States.¹⁸

Maria Grahn-Farley examines that chasm, scrutinizing how our humanity cannot be fully defined by the law or constitutional amendments.¹⁹ Her article is provocative and passionate, inviting us to think beyond the margins of a static jurisprudence and perhaps to reach for one more fluid, wherein the redress of slavery is possible. Reparations, according to the author, are perhaps a piece of that puzzle. Only through this redress will America confront its terrible past. But more importantly, according to Grahn-Farley, reparations provide a unique remedy unlike others offered to black Americans in that the memory of slavery functions in the present economically, politically, culturally, and socially. Grahn-Farley also posits that the legacy of

16. See Fox, *supra* note 1, at 428.

17. *Id.*

18. The psychological dimensions of antebellum period imagery continue to haunt and complicate race relations in America. For example, we grapple with caricatured black as she or he continues to be the convenient scapegoat for our ills. Sociologists and historians capture this as well as authors of fiction. See e.g., PAINTER, *supra* note 7, at 17 (describing with incredibly rich detail the psychological characteristics of slavery and the affects of subordination and "its characteristics—a lack of self-confidence, personal autonomy, and independent thought . . ."); WINTHROP D. JORDAN, *THE WHITE MAN'S BURDEN: HISTORICAL ORIGINS OF RACISM IN THE UNITED STATES* (1974) (providing an excellent exposition on the perceived economic necessities of slavery and the psychological ramifications of reliance on unpaid black labor); WALTER JOHNSON, *SOUL BY SOUL: LIFE INSIDE THE ANTEBELLUM SLAVE MARKET* (1999). See also ALICE RANDALL, *THE WIND DONE GONE* (2001) (providing a fictional account of slavery parodying *Gone With The Wind* while illuminating overlooked emotions of slaves, including loneliness, depression, hurt, humiliation, and resentment).

19. See Maria Grahn-Farley, *The Master Norm: On the Question of Redressing Slavery*, 53 DEPAUL L. REV. 1215 (2004).

slavery harnesses blacks and whites to the past, fixing not only social relationships, but economic ones as well.

History informs us that the economic empowerment and growth of the United States depended on unpaid labor of African slaves.²⁰ As slavery was “an essential part of the original Constitution,”²¹ blacks were relegated to the status of chattel or property.²² Not only through sales in cotton, tobacco, sugar, and other agricultural crops in the South, slavery also had presence in the American North (“black bondage had long been legal in all [thirteen] colonies when the American Revolution began”²³). Slaves were bought, sold, used for collateral, and listed as assets in bankruptcy petitions.²⁴

Viewed through this lens, perhaps race is a positional good. Professor Anthony Farley suggests that race is a commodity unto itself.²⁵ Blackness, in particular, according to Professor Farley, is a commodity. In fact, it is the central idea, the epitome—apogee—of the commodity. When Cheryl Harris refers to whiteness as property, she speaks to a stock, which needs no investment from whites, but provides economic, political and social returns for their particular group. Buttressed against that is the unshakably distorted image of blackness; if whiteness is property, blackness is a bounced check.

Professor Deseriee Kennedy builds upon the theory of black commoditization, with referenced empirical data proving as much.²⁶ She discusses the transformation from stigma to the cost of being black. Based on her analysis, it costs more to live black in America than white. She attributes this to markups that blacks pay on car loans, insurance premiums, and the denial of credit. These costs are tangi-

20. See, e.g., CHARLES JOHNSON, ET AL., *AFRICANS IN AMERICA: AMERICA'S JOURNEY THROUGH SLAVERY* 268 (1998) (“In 1795, the first year of the cotton gin’s operation, American planters produced 8 million pounds of cotton. By 1800, production increased more than 400 percent, fueling the demand for additional [slave] labor.”); David Brion Davis, *Free At Last: The Enduring Legacy of the South’s Civil War Victory*, N.Y. TIMES, Aug. 26, 2001, at D1 (noting that slavery was a “far more stronger institution in 1880 than in 1770—largely because of the invention of the cotton gin”); RANDALL ROBINSON, *THE DEBT: WHAT AMERICA OWES TO BLACKS* 206 (2000) (“[T]he cotton the slaves produced had become not only the United States’ leading export but exceeded in value all other exports combined.”) (quoting *I WAS BORN A SLAVE: AN ANTHOLOGY OF CLASSIC SLAVE NARRATIVES, 1770-1849* (Yuval Taylor, ed. 1999)).

21. Fox, *supra* note 1, at 428 n.12.

22. See generally JOHN W. BLASSINGAME, *THE SLAVE COMMUNITY: PLANTATION LIFE IN THE ANTEBELLUM SOUTH* (1972).

23. See Davis, *supra* note 20.

24. See STEVEN WEISENBURGER, *MODERN MEDEA: A FAMILY STORY OF SLAVERY AND CHILD-MURDER FROM THE OLD SOUTH* (1998).

25. See Anthony Paul Farley, *The Apogee of the Commodity*, 53 DEPAUL L. REV. 1229 (2004).

26. See Deseriee A. Kennedy, *Processing Civil Rights Summary Judgment and Consumer Discrimination Claims*, 53 DEPAUL L. REV. 989 (2004).

ble, real-life add-ons. Consider the claims against General Motors Acceptance Corporation, she offers, in which a recent study found that African-American car buyers paid 2.5 times more markup than white purchasers. Thus the costs of blackness are not simply symbolic, but real, tangible premiums. She argues that “race often becomes a predominant concern in deciding whether to treat some customers as potential shoplifters.”²⁷ Remediating such profiling is difficult, as the “Civil Rights Acts are ineptly drafted to accommodate claims of discrimination in the public sphere outside of public accommodations.”²⁸

Penelope Andrews reminds us that such a fixed race relationship is not unique to the United States.²⁹ South Africa is equally mired with similar problems, which affected not only social, but also economic and political relationships. Indeed, the lines of citizenship can be incredibly arbitrary—right down to a comb in one’s hair that determines whether one is deemed colored or black and what rights attach. Professor Andrews credits the South African Truth and Reconciliation Commission with providing a transition, observing “the aftermath of decades of apartheid and centuries of colonialisms left a legacy of enormous social and economic inequalities as well as a deep-seated national psychological trauma.”³⁰ Yet, as she acknowledges, problems remain. She ponders the boundaries of effective reconciliation and whether reconciliation necessarily involves financial reparations. Or does money only exacerbate racial problems? How is the causal connection to be established between perpetrators and victims? Further, what counts as reparations?

In his article, *The Cultural War Over Reparations for Slavery*, Professor Alfred Brophy brings the focus of those questions back state-side, lamenting, “the case for reparations rests on how we view the past and what one should do about it.”³¹ For Professor Brophy, the debate is really one about inequality in America. He asks whether a racial reconciliation can truly occur in the United States without a remedy. At stake could be something as innocuous as an apology or

27. *Id.* at 990.

28. *Id.* at 991.

29. Penelope Andrews, *Reparations for Apartheid’s Victims: The Path to Reconciliation?*, 53 DEPAUL L. REV. 1155 (2004).

30. *Id.* at 1156.

31. Alfred L. Brophy, *The Cultural War Over Reparations for Slavery*, 53 DEPAUL L. REV. 1181 (2004).

as Eric Yamamoto suggests, a layered project, which offers apology payments that help to demonstrate true contrition.³²

A reparation-type agenda has also created unwanted attention, perhaps indicating that not all efforts to repair are necessarily healthy. Professor Rene Bowser, for example, challenges the social construction of race and contemporary efforts to capitalize on unverified “biological” racial distinctions, particularly to “help” African Americans.³³ According to Bowser, pharmacogenomics has “fueled” the controversy. Because these efforts are in the health domain, they are understood to have significance beyond the corporate pocketbook, meaning that African-American patients are perhaps preconditioned to perceive health industries as having their best interest in mind, rather than profits. Professor Bowser informs us, “Well-meaning scientists now suggest that race may serve as a proxy for drug response.”³⁴ While some studies seem to indicate that different ethnic groups metabolize drugs differently, other studies refute those observations, producing what Bowser refers to as “gaps” in scientific knowledge.

However, the gaps in scientific knowledge have opened the door to redefining race and for people of color to be the unwitting objects. In Professor Bowser’s opinion, African Americans are more likely to be harmed than helped by the commercialization of presumed genetic differences in drug response. This is problematic for a host of reasons, including shortfalls in data, too much anecdotal and not enough empirical studies, too few scientific researchers trained in cultural/race studies, and too few cultural studies scholars studying bioethics and medicine. In scrutinizing the ethnic niche drug market, Bowser uses the example of BiDil, which started out as a drug for use in general population, but has since re-emerged as a drug for use only in African Americans. Other drug companies are racing to find the most profitable “ethnic drug.” In this competition to market ethnic drugs, African Americans and other racial minorities are likely to be the targets of corporate exploitation. Bowser argues that “the current search for racial differences to increase corporate profit provides a moment for pause.”³⁵ In this case, too much attention, to repair for exclusion in drug studies and a history of medical wrongs, could lead to a different type of abuse and coercion.

32. See ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (1998).

33. See Rene Bowser, *Race as a Proxy for Drug Response: The Dangers and Challenges of Ethnic Drugs*, 53 DEPAUL L. REV. 1111 (2004).

34. *Id.*

35. *Id.* at 1112.

Ruqaiijah Yearby builds upon the history of ethnic exploitation in the development of healthcare.³⁶ Her fascinating article exposes the paradox in medicine in African countries: that Africans are sought after for clinical trials but are not often the beneficiaries of the research. The use of Africans in clinical trials is not a new controversy, but is recently nuanced by the horrors of AIDS in African countries.

Indeed, contemporary healthcare cannot escape the web of institutionalized racism that has plagued it for so long, often with the support of the law. The compromised status of African Americans' health is evidenced through not only the contemporary healthcare status of African Americans, but also by a scarred history never fully acknowledged, nor ever fully healed. This history has included biological explanations of racial superiority that ultimately fueled the eugenics movement and its subsequent revival in the 1960s, the Tuskegee Experiment, and social valuing as a default medical model with regard to African Americans. Yearby's article exposes how racial power dynamics may influence ethical healthcare decision making and public policy, particularly as those concepts relate to developing countries. Her article comments on both the historical and cultural legal/medical disengagement with Africans and their bodies.

We are reminded of the horrors of compulsory sterilizations based upon race and socioeconomic status. Doctors, paid by the federal government, were responsible for the sterilization of thousands of women, many of whom were African American. Yearby does not allow us to dismiss the government-led medical study on syphilis wherein over six hundred black men were recruited for a study that would monitor the effects of untreated syphilis in the "Negro male." The United States Public Health Service sponsored the experiment. An undeniably disturbing characteristic of the syphilis study was the helplessness of its uninformed, predominantly poor and uneducated rural participants. Fred Gray, counsel for the victims, recounts that the moral and ethical injuries suffered by the victims of the misguided study were "compounded by the fact that all of these men were African American . . . and deliberately kept in the dark about what was happening to them."³⁷

In fact, the Tuskegee experiments, which started in 1932, lasted long after the Nuremburg trials against Nazi war criminals, wherein medi-

36. See Ruqaiijah Yearby, *Good Enough To Use for Research, But not Good Enough To Benefit from the Results of that Research: Are the Clinical HIV Vaccine Trials in Africa Unjust?*, 53 DEPAUL L. REV. 1127 (2004).

37. FRED D. GRAY, *THE TUSKEGEE SYPHILIS STUDY: THE REAL STORY AND BEYOND* 14 (1998).

cal standards and protocols were established under which doctors were to remember that their first “duty is to heal their patients” and that “human beings would not be used as research animals.”³⁸ To the horror of many blacks, the study continued long after a cure for the potentially fatal disease was discovered, which would have, in any case, warranted the conclusion of the experiment. The image conjured for many black Americans who are aware of the Tuskegee study, and indeed the reality of the case, is that black patients suffered while white doctors watched without communicating or providing a cure.

According to Yearby, the resounding silence about harms to the black body creates distrust of the medical profession and skepticism about altruistic interventions on the behalf of state and corporate entities. The Tuskegee experiment, America’s eugenics movement, and the proposed sterilization of black women on welfare³⁹ remind many of the potential for law and medicine to perpetuate moral and physical harm domestically. The AIDS crises and lack of financial intervention informs us about the potential for harmful medicine to persist. It also reminds us that the relationship between the medical community and people of color has been largely one not worthy of celebration, but rather marked by despair, mistrust, and poor communication.⁴⁰

38. *Id.*

39. See DOROTHY ROBERTS, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY* 213-17 (1998) (discussing state-sponsored sterilization proposals and programs aimed at reducing the number of black births). Roberts discusses a 1958 proposal by Mississippi state representative David H. Glass introducing a bill “mandating sterilization for any unmarried mother who gave birth to an illegitimate child.” Glass was unequivocal in his objective to reduce the number of black children on the dole:

During the calendar year 1957, there were born out-of-wedlock in Mississippi more than 7000 negro children, and about 200 white children. The negro woman, because of child welfare assistance [is] making it a business, in some cases of giving birth to illegitimate children The purpose of my bill was to try to stop, or slow down, such traffic at its source.

Id. at 214 (internal quotation marks omitted).

40. Vanessa Gamble “explained that the apology was important because the syphilis study had become a metaphor for why Black Americans should not trust the medical establishment.” See *Healing Wounds, Building Bridges*, Wis. St. J., May 18, 1997, at 2B; see also, *Hearings Before the House Appropriations Comm. Labor, Health and Human Services, and Education Subcomm.* 106th Cong., 2d Sess. (1998) (testimony of Benjamin F. Payton, President of Tuskegee University). Benjamin F. Payton testified that

African Americans exhibit a disproportionately large amount of cynicism and lack of confidence in the U.S. health and research establishment. Some studies link that mistrust to a long history of medical abuse extending as far as slavery. Others assert a more recent and direct relationship to what has come to be called “The Tuskegee Experiment” that was conducted by the Public Health Service . . . on poor Black males in Alabama.

Id.

Blake Morant leaves us with a timely article about the role of media in shaping a democracy.⁴¹ His article is well timed, given debates on the President's role and responsibilities with the media, the American role in Iraq, and the selected media images to which Americans are exposed and which greatly influence our collective thinking. These observations take on new meanings when questions about who owns the press in an increasingly diverse society become politically relevant. Such are the times in which we live, according to Morant. Autonomy and indeed media legitimacy hinge upon the unencumbered exercise of not only dissemination but "also on the duty to exercise that right in a manner that incorporates the diversity of individualized perspectives."⁴²

Professor Morant argues that "a robust press in a democratic society remains a philosophical truism."⁴³ His article advocates continuation of government monitoring of media ownership rules, which limit monopolization and subjectivity in an industry organized around principles of autonomy. It is here that media fulfills its most utilitarian objective: to inform on matters of societal import. According to Morant, the informative function is virtually tantamount to a duty. If we are to truly embrace a democracy based on broad inclusion, at the heart of such an effort necessarily is an independent, robust, active, and diverse media. Morant is passionate about a true democracy conjuring images of a society in which each member enjoys an equal right to life, liberty, and the pursuit of happiness. These Aristotelian principles have as much import for life in the United States today as in developing Western societies millennia before. Morant reminds us of the need for media voices to be diverse and not fixed. Media outlets are perhaps beginning to understand the profitability, if not the ethos of that message, as "liberal radio" has now become a commercial enterprise.

The dialogue at DePaul on the centrality of race as a proxy in law and society certainly fits within the larger dimensions of an ongoing study scrutinizing patterns, ideologies, and practices of racism. Its offering is unique, however, in that it responds to the need for such discussions to touch upon the tangible, real experiences of people's lives. In this way it challenges contemporary discussions about race to examine those issues most immediately impacting communities, or what Derrick Bell and Richard Delgado might refer to as the "basics."

41. See Blake D. Morant, *Democracy, Choice, and the Importance of Voice in Contemporary Media*, 53 DEPAUL L. REV. 943 (2004).

42. *Id.* at 944.

43. *Id.* at 943.

This Symposium issue serves as a solid contribution to contemporary legal literature on the influence and impact of race in a global society. That it engages with such diverse topics as health care, consumer protection, HIV, and reparations, demonstrates a vision and plan immersed in substance rather than rhetoric. The need for empirical studies and clear engagement about the pernicious effects of discrimination seem clear. The authors advocate for knowledge followed by practice and activism. In this, there is a vision for change at every level, defying notions of essentialism that treat people of color within one exclusive dimension.⁴⁴ Rather, the participants provide a roadmap for further engagement with issues central to the vitality, health, and mobility of communities of color.

44. Following Professor Brophy's presentation, he raised the issue of reparations and remembering at the University of Alabama. Just as we go to press with this Symposium issue, the University of Alabama has announced its commitment and a plan to recognize the slaves who labored at the University, through marking of graves, plaques on buildings where they labored, and other measures soon to be unveiled. See Jay Reeves, *University of Alabama Apologizes for Slavery*, CHI. TRIB., Apr. 21, 2004, available at 2004 WL 77184717.

