

# CENTER CONTRIBUTION

## Examining Structural Bigotry and Moving Toward Antibigotry

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We are at a critical moment in U.S. history. As we witness a growing number of laws prohibiting teachers from talking about certain experiences of bigotry, we also see a slew of coordinated physical, verbal, and legislative attacks on communities historically targeted by bigotry. While bigotry manifests in different ways across time, geography, and particular categories, collectively these manifestations consolidate power in insiders. Through this Antibigotry Convening Project, we have endeavored to identify common harms across categories of bigotry, which may indicate potential points of unity for an antibigotry concept and movement.<sup>2</sup>

Bigotry in the United States is generally explored through individual attitudes and acts rather than through a structural lens.<sup>3</sup> This project explores the structural aspects of bigotry—including laws, policies, practices, norms, and narratives—and considers ways that these structural aspects work together with ideas about the alleged superiority and inferiority of particular groups to cause and normalize subordination. A structural analysis of bigotry also considers potential connections between seemingly unrelated individual expressions of bigotry that together perpetuate widespread social inequity.<sup>4</sup>

A structural analysis of bigotry requires the collective engagement of people working across fields, disciplines, practices, and categories of bigotry. The Antibigotry Convening brought together scholars, advocates, and people directly impacted by bigotry to share their voices, experiences, and expertise regarding fifteen identified categories of bigotry: ableism, ageism, anti-Asian/Asian American racism, anti-Black racism and colorism, anti-fat bigotry, anti-Indigenous bigotry, anti-Latinx racism, anti-Pacific Islander bigotry, antisemitism, classism, heterosexism and transphobia, Islamophobia, linguicism, religious intolerance, and sexism. Our objective was to examine structural bigotry and begin developing the concept of antibigotry: actively countering all forms of bigotry and promoting broad social equity.

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<sup>2</sup>For more on the structure and process of the Boston University Center for Antiracist Research's 2021-22 Antibigotry Convening, see the introduction to this report.

<sup>3</sup>For notable exceptions, see Khaled Beydoun, *American Islamophobia* (Oakland: University of California Press, 2018), 36-39, 83 (distinguishing between private and structural bigotry in the context of Islamophobia); Francisco Valdes, "Anomalies, Warts and All: Four Score of Liberty, Privacy and Equality," 65 *Ohio State Law Journal* 65, no. 5 1 (2004): 1394 (discussing "experiments in structural bigotry through majoritarian policymaking" such as laws that "sought to declare sexual minorities permanent pariahs beyond the reach of any realistic law reform effort").

<sup>4</sup>For a related discussion of multidimensionality and anti-subordination, see Francisco Valdes, "Legal Reform and Social Justice: An Introduction to LatCrit Theory, Praxis and Community," *Griffith Law Review* 14, no. 2 (2005): 159 ("Multi-dimensional projects therefore include consideration not only of the race-and-gender intersection, but also of other familiar axes of identity, such as ethnicity, class or sexual orientation, as well as less-studied categories like geography, ability, seniority and other forms of position that are legally or socially relevant to the design and establishment of substantive security for all persons and groups in a 'post-subordination' society.").

As the facilitators of the Antbigotry Convening, we have drawn on the Antbigotry Fellows' written contributions and ideas shared at the Convening modules to: (I) define bigotry in structural terms; (II) examine common structural manifestations of bigotry that emerged from the Fellows' contributions; and (III) consider ways to support antbigotry scholarship and activism in light of these potential points of unity.

## I. What Is Structural Bigotry?

Bigotry is generally understood to be the “[o]bstinate or unreasonable attachment to a belief, opinion, or faction; in particular prejudice against a person or people on the basis [or perception] of their membership of a particular group.”<sup>5</sup> By this definition, bigotry is an expression of individual attitudes and actions.

While bigotry includes individual attitudes and actions, it also includes structural aspects. To define bigotry in structural terms, it is helpful to consider Ibram X. Kendi's definition of racism, which is one kind of bigotry. Kendi has defined racism as “a marriage of racist policies and racist ideas that produces and normalizes racial inequities.”<sup>6</sup> He further defines a racist policy as “any measure that produces or sustains racial inequity between racial groups,” and defines a racist idea as “any idea that suggests one racial group is inferior or superior to another racial group in any way.”<sup>7</sup> He notes that “[r]acist ideas argue that the inferiorities and superiorities of racial groups explain racial inequities in society.”<sup>8</sup>

**Bigotry, likewise, is a union of bigoted ideas and policies that produce and normalize broad group inequities and social injustices.** Bigoted ideas suggest that people from particular social or socially constructed groups are superior or inferior. Bigoted ideas argue that the inferiorities and superiorities of particular groups explain or justify subordination. Bigoted ideas are used as tools to foster privileged forms of group identity, mobilize confederation around causes and candidates, and generate policies that create and reinforce inequity. In a cyclical fashion, bigoted policies then prompt more bigoted ideas which provide a base of support for more bigoted policies. Bigoted policies can be overtly hostile and laden with stereotypes or animus, or they can perpetuate inequity through erasure and quiet disregard. Bigoted policies and bigoted ideas function in a positive feedback loop, where the former reinforces the latter and vice versa.

Notably, the harms of bigotry extend beyond its direct targets. A person can be subjected to bigotry regardless of whether they identify as a member of the targeted group. For example, people who are not Muslim may be targeted by Islamophobia, as demonstrated by Islamophobic epithets and violence directed at Sikh Americans. Additionally, an expression of bigotry may overtly target one group, but covertly perpetuate other forms of bigotry as well. For instance, the model minority myth is directly a stereotype about Asian Americans, but indirectly promotes a narrative about the supposed deficiencies of other racialized groups.<sup>9</sup> Bigotry targeting one group may also cause generalized terror among others.

<sup>5</sup>“Definition of Bigotry,” Oxford University Press, accessed May 1, 2022, <https://www.lexico.com/en/definition/bigotry>.

<sup>6</sup>Ibram X. Kendi, *How to Be an Antiracist* (New York: One World, 2019), 17-18.

<sup>7</sup>Kendi, *How to Be an Antiracist*, 18, 20.

<sup>8</sup>Kendi, *How to Be an Antiracist*, 20.

<sup>9</sup>Paul Y. Watanabe and Sungkwan E.J. Jang Contribution at 58 (citing Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27, no. 1 (March 1999): 105-38).

For example, the criminalization of gender-affirming healthcare for transgender children causes horrific harm to those directly impacted and can also generate fear among people from other structurally marginalized groups who witness mobilization around bigotry and anticipate other bigoted policies yet to come.

Additionally, categories of bigotry do not exist in isolation and can interact or intersect in complicated ways. The theory of Intersectionality illustrates that people targeted by multiple kinds of bigotry can experience harms that are more than the sum of their parts; for example, Black women may experience harms that cannot be adequately understood through an independent analysis of anti-Black racism or sexism.<sup>10</sup> Similarly, the principles of anti-essentialism and multidimensionality illustrate that there is no “essential” experience of any group, and people do not experience aspects of group membership in isolation.<sup>11</sup> Categories of bigotry have been socially constructed through interconnected structures of subordination and cannot be disentangled from one another.<sup>12</sup> Moreover, a person affected by one category of bigotry can perpetuate another,<sup>13</sup> and people can experience internalized bigotry toward themselves.<sup>14</sup>

Taken together, manifestations of bigotry make all but the most privileged in society less safe and free. Bigotry, then, concerns more than just individual attitudes and individual impacts. It can facilitate the theft of land and labor, restrict freedom of movement and expression, enable a punitive legal system, and in all of these ways, create (and putatively justify) violence and trauma. Bigotry divides people and impedes uniting and organizing around shared goals of equity, safety, and justice for all.

For these reasons, the Antibigotry Convening focused on the structural aspects of bigotry. We sought to examine the ways that laws, policies, practices, narratives, and norms work together with bigoted ideas to enact, sustain, and justify wide-ranging discrimination, oppression, and subordination.

<sup>10</sup>“Kimberlé Crenshaw on Intersectionality, More Than Two Decades Later,” *Columbia Law School News*, June 8, 2017, <https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later> (“Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It’s not simply that there’s a race problem here, a gender problem here, and a class or LGBTQ problem there. Many times that framework erases what happens to people who are subject to all of these things.”); Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine,” *University of Chicago Legal Forum* 1989, No. 1, (1989), <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/> (“Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.”).

<sup>11</sup>Angela P. Harris, “Race and Essentialism in Feminist Legal Theory,” *Stanford Law Review* 41, no. 3 (1990): 585 (describing “gender essentialism” as the idea that “a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience”); Darren Lenard Hutchinson, “Identity Crisis: ‘Intersectionality,’ ‘Multidimensionality,’ and the Development of an Adequate Theory of Subordination,” *Michigan Journal Of Race and Law* 6, no. 2 (2001): 309-310 (noting that “[m]ultidimensionality posits that the various forms of identity and oppression are inextricably and forever intertwined”) (internal quotation marks and alterations omitted).

<sup>12</sup>Hutchinson, “Identity Crisis,” at 309; see also Talila A. Lewis, “Working Definition of Ableism - January 2022 Update,” *Talila A. Lewis* (blog), January 1, 2022, <https://www.talilalewis.com/blog/working-definition-of-ableism-january-2022-update> (noting that “societally constructed ideas of normalcy, productivity, desirability, excellence, and fitness . . . are deeply rooted in eugenics, anti-Blackness, misogyny, colonialism, imperialism, and capitalism”); George Yancy and bell hooks, “bell hooks: Buddhism, the Beats and Loving Blackness,” interview by bell hooks, *New York Times*, December 10, 2015, <https://opinionator.blogs.nytimes.com/2015/12/10/bell-hooks-buddhism-the-beats-and-loving-blackness/> (discussing the utility of the phrase “imperialist white supremacist capitalist patriarchy” to illustrate interlocking systems of subordination).

<sup>13</sup>See Marc-Tizoc González, “LatCrit Theory, Multidimensional Analysis and the Elimination of Bias in the Legal Profession” (2021) (“Multidimensional analysis elucidates that all of us perform, daily, and usually in routinized and ‘unconscious’ ways, in an oft-invisible yet ubiquitous matrix of power and potential, and that we tend to replicate and reify the existing hegemony—though in some dimensions more so than others, and at some moments more than others.”) (on file with author).

<sup>14</sup>See Ryan Backer and E-Shien (Iggly) Chang Contribution at 46-47; Janvieve Williams Comrie, Antoinette Landor, Kwyn Townsend Riley, and Jason Williamson Contribution at 76; Cynthia Willis Esqueda and Tyler Press Sutherland Contribution at 160; Jioni Lewis and Ria Tabacco Mar Contribution at 177.

Below we explore some of the common structural manifestations of bigotry identified in the Antbigotry Fellows' respective report contributions. These include: dispossession, dehumanization, exclusion and erasure, criminalization, economic exploitation, control of reproduction and family, and violence. While many of the examples discussed in this report are individually well known and documented, considering them together in the context of structural bigotry illustrates connections and intersections across categories of racialized, marginalized, and subordinated experiences, which may suggest potential points of solidarity.

## II. Common Structural Manifestations of Bigotry

Several common themes that emerged from the Antbigotry Fellows' contributions are examined below. Although the identified manifestations do not apply to all categories of bigotry in identical ways, these themes may suggest connections that can support a conceptualization of and movement toward antbigotry.

### A. Dispossession

Dispossession is a structural mechanism of bigotry that has been formative of the United States, as a nation constructed through settler colonialism. The legal basis for white occupation and ownership of the land that now constitutes the U.S. was founded upon bigoted ideas of white supremacy, Christian dominion, and capitalist western views on the appropriate use of land.<sup>15</sup> Bigoted myths of white supremacy have coalesced with bigoted policies to facilitate dispossession through genocide, warfare, broken treaties, eugenics, forced assimilation, annexations, and removals. While uniquely expressed with respect to Indigenous peoples, dispossession has also been a feature across other categories of bigotry. The contributions to this report illustrate the centrality of land as a site of bigotry and as an essential part of envisioning and constructing an antbigotry future.

Bigoted dispossession was core to the founding of the U.S. as a settler colonial state.<sup>16</sup> As Judy Dow states, writing about anti-Indigenous bigotry, “[t]he European unbending and unreasonable beliefs that

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<sup>15</sup>Johnson v. M'Intosh, 21 U.S. 543 (1823); see also Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (1993): 1715-16.

<sup>16</sup>Natsu Taylor Saito, “Tales of Color and Colonialism: Racial Realism and Settler Colonial Theory,” *Florida A & M University Law Review* 10, no. 1 (2014): 33 (“If we acknowledge this to be a colonial settler state, we cannot ignore the fact that its land base and natural resources—its very existence, as well as its wealth and power—derive from the elimination of Indigenous peoples and the appropriation of their lands.”).

this land was theirs for the taking have controlled our lives since their arrival.”<sup>17</sup> Likewise, regarding settler colonialism in Oceania, Ian Falefuafua Tapu and Terina Kamailelauli‘i Fa‘agau describe a “logic of possession”<sup>18</sup> that has been enacted through “militarization, criminalization, tourism, discrimination, and many other forms of colonial violence.”<sup>19</sup> Land theft through colonization and westward expansion involved both genocidal violence against Indigenous peoples and the violent insistence that Indigenous peoples did not exist in the first place—that the land was an untouched wilderness waiting to be “discovered.”<sup>20</sup> These beliefs were illustrated by legal concepts like the doctrine of discovery, and ideologies like manifest destiny.<sup>21</sup>

In this context, bigoted dispossession in the U.S. has involved not only the taking of land, but also the taking of people from their land, as well as tactics of genocide, violations of sovereignty, and infringements of the right to self-determination. As illustrated by Kyle T. Mays and Judy Dow, colonizers employed genocidal tools of displacement and forced removal of Indigenous peoples from ancestral homes and onto reservations and boarding schools as a means of cultural disintegration and erasure.<sup>22</sup> Settler colonialism also drove the commodification of land through chattel slavery, which involved taking Indigenous African peoples from their land and engaging in similar tactics of forced assimilation.<sup>23</sup> In what is now Alaska, settlers from the U.S. disregarded Alaska Natives’ rights, cultural practices, and systems of governance.<sup>24</sup> Colonizers likewise facilitated Chicana dispossession through “breaches of treaty obligations” and disregard of “cultural and religious practices including communal ownership of land.”<sup>25</sup> Similarly, with respect to territories in Oceania, Tapu and Fa‘agau discuss the imposition of “legal status,” which “seeks not to define Pacific Islanders on their own terms but through a settler-colonial lens, thereby disrupting communities’ cultural connections and practices, their relationships to ancestral lands, and their health and wellbeing.”<sup>26</sup> The imposition of settler language, legal systems, and other oppressive institutions serves to undermine Indigenous sovereignty and the right to self-determination. In this sense, understanding the full scope of dispossession is essential for dismantling its current legal, cultural, and political mechanisms.

<sup>17</sup>Judy A. Dow Contribution at 91.

<sup>18</sup>Ian Falefuafua Tapu and Terina Kamailelauli‘i Fa‘agau Contribution at 119 (quoting Maile Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawai‘i and Oceania* (Durham: Duke University Press, 2019)).

<sup>19</sup>Tapu and Fa‘agau Contribution at 119.

<sup>20</sup>See Dow Contribution; Kyle T. Mays Contribution; David Treuer, “Return the National Parks to the Tribes,” *Atlantic*, April 12, 2021, <https://www.theatlantic.com/magazine/archive/2021/05/return-the-national-parks-to-the-tribes/618395/>.

<sup>21</sup>See Dow Contribution at 90; John Corrigan and Amanda Tyler Contribution at 173.

<sup>22</sup>Dow Contribution at 91 (“[O]ur language was beaten out of us and we were forced to learn the colonizer’s language to survive.”); Mays Contribution at 100 (“[T]he settler population’s goal is to dispossess the Indigenous population of their land and personhood.”).

<sup>23</sup>Kyle T. Mays, *An Afro-Indigenous History of the United States* (Boston: Beacon Press, 2021), xix-xx (discussing the importance of recognizing that “African peoples were in fact Indigenous peoples who were violently ripped from their homelands”); Saito, “Tales of Color and Colonialism,” 54-55 (noting that Indigenous African languages and cultural practices were “erased to the best of settler ability in order to facilitate control over enslaved workers, to justify their classification as property, and to enhance the credibility of settler claims to be uplifting the ‘uncivilized’”).

<sup>24</sup>Alaska Advisory Committee to the U.S. Commission on Civil Rights, “An Overview of Alaska’s Problems and Promises,” in *Racism’s Frontier: The Untold Story of Discrimination and Division in Alaska* (2001), <https://permanent.fdlp.gov/www.usccr.gov/pubs/sac/ak0402/main.htm>.

<sup>25</sup>Guadalupe T. Luna, “Chicana/Chicano Land Tenure in the Agrarian Domain: On the Edge of a ‘Naked Knife,’” *Michigan Journal of Race and Law* 4, no. 1 (1998): 77.

<sup>26</sup>Tapu and Fa‘agau Contribution at 119.

Myths portraying targeted groups as uncivilized and inferior have been used to further policies of dispossession, as illustrated by several report contributions. John Corrigan and Amanda Tyler describe this process with respect to religious intolerance, noting that “[g]roups perceived as competitors for the resources claimed by religion are assessed as impure, dangerous, and an imminent threat to the very existence of the religious community.”<sup>27</sup> Settlers asserted claims of white Christian superiority through policies of eugenics and forced assimilation targeting Indigenous peoples in furtherance of genocide and land control.<sup>28</sup> Settlers made similar assertions of inferiority with respect to African peoples in furtherance of slavery,<sup>29</sup> fomenting ideologies that manifested in subsequent acts of anti-Black dispossession through racial terror and discrimination.<sup>30</sup> Likewise, Tapu and Fa’agau note that colonizers in Oceania “painted a ‘bleak view’ of Pacific Islanders’ existence” in order to justify their dispossession.<sup>31</sup> And claims of Mexican inferiority were central to anti-Chicanx dispossession through the annexation of Texas and the Mexican–American War of 1846–48 wherein settlers employed both physical violence and legal mechanisms to dispele people from their land.<sup>32</sup> These are just a few examples of the ways that people in power have facilitated dispossession by denying the value and dignity of targeted groups.

The report contributions also highlight ways that racist and classist claims of personal financial irresponsibility work together with unjust policies to facilitate dispossession. For example, Jioni Lewis and Ria Tabacco Mar note that although evictions are primarily the result of a national housing crisis—created in large part by land speculators who drive up the cost of housing and land developers who resist constructing affordable housing—they are portrayed as personal failures and used to exclude renters who have been evicted (disproportionately Black women) from future housing opportunities.<sup>33</sup> Similarly, after the 2008 financial crash, corporations and the media promoted narratives of personal financial irresponsibility to justify high foreclosure rates and distract from the racist policies that fed into the financial crisis, including the practice of targeting Black and Latinx communities with

<sup>27</sup>Corrigan and Tyler Contribution at 170.

<sup>28</sup>See Dow Contribution at 91; Mays Contribution at 101-02; Corrigan and Tyler Contribution at 170.

<sup>29</sup>Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 31-76.

<sup>30</sup>Dorothy E. Roberts, “Foreword: Abolition Constitutionalism,” *Harvard Law Review* 133, no. 1 (2019): 39-40 (“[T]he majority of terroristic murders between 1890 and 1920 were intended to facilitate white theft of black people’s property.”); “One Million Black Families in the South Have Lost Their Farms,” *Equal Justice Initiative*, Oct. 11, 2019, <https://eji.org/news/one-million-Black-families-have-lost-their-farms/> (discussing dispossession of Black farmers through discriminatory property tax assessments).

<sup>31</sup>Tapu and Fa’agau Contribution at 118.

<sup>32</sup>See Saito, “Tales of Color and Colonialism,” 42–43 (“These lands were ‘cleared’ for settler occupation by vigilante action and by requiring Mexican residents to affirmatively prove their title claims in U.S. courts with documentation that generally did not exist in the Mexican legal system.”); Juan F. Perea, “A Brief History of Race and the U.S.-Mexican Border: Tracing the Trajectories of Conquest,” *UCLA Law Review* 51, no. 1 (2003): 291-92 (“The racism of white Americans created the rationale to justify the seizure of the lands from allegedly inferior Mexicans.”).

<sup>33</sup>Lewis and Tabacco Mar Contribution at 180.

risky and subprime loans.<sup>34</sup> As noted by Saqib Bhatti and Keri Leigh Merritt, “[b]y racializing the foreclosure crisis as an issue of greedy and irresponsible Black and Latinx borrowers looking to live outside their means, conservatives were able to prevent broad public support for meaningful measures . . . that could have kept millions of people in their homes, most of whom would have been poor white families.”<sup>35</sup> In this way, anti-Black and anti-Latinx stereotypes also helped to facilitate dispossession of poor white people. This is one example of how structural bigotry that is overtly expressed as one category of bigotry (in this example, anti-Black racism or anti-Latinx racism) can metastasize across other categories (in this example, classism).

Narratives of discovery and white supremacy continue to operate as justifications for bigoted policies and obscure dispossession, thereby impeding efforts to seek redress. Mays describes “meta-narratives that persist in telling the general American public that Indigenous peoples are no longer here.”<sup>36</sup> Dow notes that history continues to be taught “from one perspective only - that of the colonizer/settlers.”<sup>37</sup> Tapu and Fa’agau discuss the ongoing prevalence of narratives that objectify the Pacific Islands as exotic places to be possessed and controlled by white people.<sup>38</sup> Alaska is still described as having been “purchased” by the U.S. from Russia—a framing that omits Alaska Natives’ stewardship over the land.<sup>39</sup> Narratives such as these perpetuate Indigenous erasure and objectification, and thereby work to obscure the harm of land theft and the need for land to be returned. Similarly, with respect to anti-Black racism, Janvieve Williams Comrie, Antoinette Landor, Kwyn Townsend Riley, and Jason Williamson highlight narratives of white supremacy that are used to “explain away” harms to Black people.<sup>40</sup> In these ways, settler colonial and white supremacist ideologies help to sustain bigoted policies of dispossession.

## B. Dehumanization and Myths of Inferiority/Superiority

Dehumanization is a common structural manifestation of bigotry facilitated by bigoted ideas that flatten and essentialize people, in combination with cultural, academic, and governmental institutions that replicate and disseminate these narratives.

The report contributions illustrate several themes of dehumanizing narratives that are structurally deployed through modes of cultural production. For example, many contributions describe narratives associating particular characteristics or groups with being degenerate, deviant, primitive, or uncivilized.<sup>41</sup> Other contributions describe narratives of incompetence or a lack of credibility.<sup>42</sup> These

<sup>34</sup>Saqib Bhatti and Keri Leigh Merritt Contribution at 133-34; Mark Ramirez and Lourdes Rosado Contribution at 110-12; see also Justin P. Steil et al., “Social Structure of Mortgage Discrimination,” *Housing Studies* 33, no. 5 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6084476/> (“[P]redominantly black and Latino communities shifted from being objects of economic exclusion to targets for financial exploitation by intermediaries seeking to expand the pool of loans available for securitization.”).

<sup>35</sup>Bhatti and Merritt Contribution at 134.

<sup>36</sup>Mays Contribution at 100 (emphasis added).

<sup>37</sup>Dow Contribution at 95.

<sup>38</sup>Tapu and Fa’agau Contribution at 119.

<sup>39</sup>Saito, “Tales of Color and Colonialism,” 44; Robert T. Anderson, “Alaska Native Rights, Statehood, and Unfinished Business,” *Tulsa Law Review* 43 (2007): 19.

<sup>40</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 77.

<sup>41</sup>Watanabe and Jang Contribution at 64; Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 77; Joy Cox and Amy Erdman Farrell Contribution at 82-83; Dow Contribution at 90-92; Mays Contribution at 100-02; Ramirez and Rosado Contribution at 116-17; Tapu and Fa’agau Contribution at 118-19; Megan Black and Eric Ward Contribution at 125-26; Greensmith, Townsend Riley, and De La Cuadra Contribution at 139-40; Corrigan and Tyler Contribution at 170.

<sup>42</sup>Rabia Belt Contribution at 40; Backer and Chang Contribution at 48-50; Willis Esqueda and Sutherland Contribution at 162-69.

kinds of bigoted ideologies are enacted through symbols, terminology, and media representations to perpetuate dehumanization. For example, Mays highlights the pervasiveness of anti-Indigenous and anti-Black tropes in U.S. culture through the use of mascots, blackface, and minstrelsy.<sup>43</sup> Paul Watanabe and Sungkwan Jang describe the fetishization of Asian American women in popular media, as well as narratives and policies that portray Asian Americans as “perpetual foreigners.”<sup>44</sup> Heron Greenesmith, Kwyn Townsend Riley, and Michaé De La Cuadra highlight ways that visibly and non-visibly queer and trans people are “fetishized” and “demonized,” contributing to “day-to-day violence . . . in public space, in work settings, in healthcare, in school, in sites of religion, and in all aspects of society generally.”<sup>45</sup> Joy Cox and Amy Farrell discuss television shows that reflect, reproduce, and normalize anti-fat bigotry.<sup>46</sup> Bigoted ideas promulgated through cultural means serve to create an “other” who “can be maligned, fetishized, dehumanized and then blamed for the difficulties that other groups of people are suffering,” as stated by Megan Black and Eric Ward, drawing parallels between antisemitism and other categories of bigotry.<sup>47</sup>

Dehumanizing narratives and myths of superiority and inferiority are also operationalized through academic and scientific institutions that cloak bigotry in a veil of legitimacy. The eugenics movement, discussed further below, provides one example of the union of dehumanizing ideas and policies.<sup>48</sup> Pseudoscientific practices have also been mobilized in efforts to criminalize the provision of gender-affirming care for trans youth.<sup>49</sup> Another expression of scientific bigotry includes the suppression of research that contradicts bigoted narratives. For example, Cox and Farrell discuss the role of “deep-seated negative perspectives on fatness” that overshadow research contradicting the prevailing narrative that being overweight causes increased morbidity.<sup>50</sup> These examples illustrate ways that bigoted ideas are incorporated into and promoted by supposedly neutral and rational institutions.

<sup>43</sup>Mays Contribution at 102.

<sup>44</sup>Watanabe and Jang Contribution at 60-65.

<sup>45</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140.

<sup>46</sup>Cox and Farrell Contribution at 88.

<sup>47</sup>Black and Ward Contribution at 125.

<sup>48</sup>See Dow Contribution; Belt Contribution.

<sup>49</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140-41; Jennifer F. Kelly, “Politicians Should Follow the Science on Gender- Affirmation Treatments,” *Hill*, April 29, 2021, <https://thehill.com/opinion/civil-rights/550937-politicians-should-follow-the-science-on-gender-affirmation-treatments> (statement from the president of the APA calling “on the sponsors of these anti-transgender bills to review the existing body of psychological research in this area and refrain from introducing legislation that has been shown to harm their young constituents”); Aviva Stahl, “Meet the ‘Fringe Extremists’ Pushing Flawed Science to Target Trans Kids,” *BuzzFeed News*, April 16, 2021 (noting that “[e]very major medical association in the United States . . . has issued statements supporting gender-affirming care for youth that have met specific diagnostic criteria” but that “[a] small number of highly controversial doctors and researchers have been pushing these anti-trans bills”).

<sup>50</sup>Cox and Farrell Contribution at 85.



Dehumanization is also maintained through rhetoric by elected officials or others in positions of authority. One example is then-president Donald Trump’s denigration of people from Haiti, El Salvador and African countries as being from “shithole countries.”<sup>51</sup> Heterosexism and transphobia among people in positions of authority within healthcare settings can delay the provision of care or deter people from seeking care, as highlighted by Greenesmith, Townsend Riley, and De La Cuadra.<sup>52</sup> Bigotry can also be evoked to garner political support, as illustrated by candidates’ and elected officials’ frequent use of anti-Muslim tropes, discussed by Sahar Aziz, Khaled Beydoun, Dalia Mogahed, and Lakshmi Sridaran.<sup>53</sup> Statements by people in authority can also affect norms. During the coronavirus pandemic, state and government officials have expressed ableist statements about returning to pre-pandemic social life despite ongoing risks, implying neglect or denial of the needs (and value) of people with disabilities.<sup>54</sup> These are just a few ways that bigoted narratives have been employed by people in positions of authority in ways that have systemic impact.

Even purportedly positive narratives can perpetuate bigotry by essentializing people or constructing a false hierarchy among structurally marginalized groups. Watanabe and Jang describe how the “model minority” myth applied to Asian Americans is “interpreted by some as a positive commentary,” but is actually less about “valorizing Asian Americans” and more about denigrating other racialized groups.<sup>55</sup> Such myths not only harm the denigrated racial groups, but also mask experiences of discrimination and hardship within diverse Asian American communities.<sup>56</sup> Similarly, Rabia Belt notes that ableism manifests through the portrayal of people with disabilities “as inspirational figures who have ‘overcome’ their disabilities.”<sup>57</sup> While presented as some kind of compliment, such depictions “serve to reduce disabled people to a stereotype of their bodies and diminish their standing as full-fledged integrated members of American society.”<sup>58</sup> These kinds of narratives are common across multiple categories of bigotry, and pervade popular culture.

The flip side of bigoted myths of inferiority are bigoted myths of supremacy, which are also employed to enforce and justify social inequities. For example, as noted by Williams Comrie, Landor, Townsend Riley, and Williamson, “Eurocentric beauty standards” have perpetuated anti-Blackness through

<sup>51</sup>Ramirez and Rosado Contribution at 116; Ibram X. Kendi, “The Day Shithole Entered the Presidential Lexicon,” *Atlantic*, January 13, 2019, <https://www.theatlantic.com/politics/archive/2019/01/shithole-countries/580054/>.

<sup>52</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140 (citing Shabab Ahmed Mirza and Caitlin Rooney, “Discrimination Prevents LGBTQ People from Accessing Health Care,” *Center for American Progress*, January 18, 2018, <https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-accessing-health-care/> (describing anti-LGBTQ discrimination in healthcare settings, including “harassment and humiliation by providers” and “being turned away by hospitals, pharmacists, and doctors”).

<sup>53</sup>Sahar Aziz, Khaled Beydoun, Dalia Mogahed, and Lakshmi Sridaran Contribution at 150-51.

<sup>54</sup>See Mia Mingus, “You Are Not Entitled to Our Deaths: COVID, Able Supremacy & Interdependence,” *Leaving Evidence*, January 16, 2022, <https://leavingevidence.wordpress.com/2022/01/16/you-are-not-entitled-to-our-deaths-covid-abled-supremacy-interdependence/>; Marisa Kabas, “Disabled Americans Feel Abandoned by CDC. Now, CDC Is Desperate to Make Amends,” *Rolling Stone*, January 11, 2022, <https://www.rollingstone.com/politics/politics-news/covid-cdc-disability-comorbidity-anger-1282759/>.

<sup>55</sup>Watanabe and Jang Contribution at 67.

<sup>56</sup>Tina J. Kauh et al., “The Critical Role of Racial/Ethnic Data Disaggregation for Health Equity,” *Population Research and Policy Review* 40, no. 4 (August 2021): 2, <https://link.springer.com/article/10.1007/s11113-020-09631-6>.

<sup>57</sup>Belt Contribution at 40.

<sup>58</sup>Belt Contribution at 40.

colorism, whereby “the closer to whiteness (and further away from Blackness) individuals are, the more privilege and power they are assigned and granted in society, and in essence, the more power they have.”<sup>59</sup> The ideology of white Anglo supremacy is further illustrated by Corrigan and Tyler’s discussion of white Christian nationalism and Cynthia Willis Esqueda and Tyler Press Sutherland’s discussions of English-only policies.<sup>60</sup> Additionally, Black and Ward highlight that white nationalist groups have used antisemitic tropes to support ideologies of white supremacy by claiming that social justice movements are the work of an evil and powerful “Jewish cabal,” rather than coalitions of supposedly inferior racial groups.<sup>61</sup>

These are just a few ways that dehumanizing narratives are deployed on a structural level. As illustrated by the other sections of the report, dehumanizing ideas are also used to justify other identified structural manifestations of bigotry and explain away widespread social inequities.

### C. Exclusion and Erasure

Exclusion and erasure are related structural manifestations of bigotry that construct an artificial sense of who belongs in the U.S., thereby justifying the denigration and exclusion of supposed outsiders. Exclusionary ideas and policies are used to push targeted groups out of public spaces, neighborhoods, voting booths, courts, schools, and borders. Similarly, narratives and policies of erasure enable the promulgation of false stereotypes about particular groups, obscure experiences of bigotry, and contribute to bigoted mythologies of U.S. history. As demonstrated by the contributions to this report, restricting belonging to a privileged group of insiders allows for subordination across many categories of bigotry.

One area of bigoted exclusion in the U.S. involves restrictions of the rights of citizenship. As illustrated by the report contributions, examples include the designation of whiteness as a prerequisite to naturalization,<sup>62</sup> the status of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Puerto Rico as “unincorporated territories” of the U.S. not subject to the full rights and protections of the Constitution,<sup>63</sup> and the creation of immigration restrictions targeting particular racial, ethnic, and religious groups.<sup>64</sup> Similarly, the 1867 Treaty of Cession with Russia distinguished between “inhabitants” of Russian descent, who could become citizens, and “uncivilized tribes,” who were Alaska Natives that “were considered unworthy of legal recognition as citizens because their way of making a living, their social relations, and their knowledge of ‘white man ways’ was considered inferior.”<sup>65</sup> All of these policies were facially exclusionary and were accompanied by denigrating rhetoric, both reflecting and perpetuating bigoted notions about who can be “American.”

<sup>59</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 74.

<sup>60</sup>Corrigan and Tyler Contribution at 173-74; Willis Esqueda and Sutherland Contribution at 155-56.

<sup>61</sup>Black and Ward Contribution at 128.

<sup>62</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 146 (noting that judges denying naturalization applications parroted Orientalist tropes, portraying Islam as “inimical to American values and irreconcilable with whiteness”).

<sup>63</sup>Tapu and Fa’agau Contribution at 119 (describing *The Insular Cases*); see also Saito, “Tales of Color and Colonialism,” 44 (discussing *The Insular Cases* and noting that “[t]his is still the law that governs American settler state relations with externally colonized peoples”); *Downes v. Bidwell*, 182 U.S. 244 (1901) (characterizing the territories as “inhabited by alien races” and stating that “governing them according to Anglo-Saxon principles may be for a time impossible”).

<sup>64</sup>Watanabe and Jang Contribution at 61 (discussing the Chinese Exclusion Act of 1882); Aziz, Beydoun, Ramirez and Rosado Contribution at 107-08 (discussing immigration restrictions and enforcement targeting Latinx immigrants); Mogahed, and Sridaran Contribution at 147-51 (discussing the “Muslim Ban” of 2017).

<sup>65</sup>William Schneider, “The Treaty of Cession & Alaska Native Rights,” *Alaska Historical Society*, accessed May 28, 2022, <https://alaskahistoricalsociety.org/about-ahs/special-projects/150treaty/150th-resource-library/new-articles/the-treaty-of-cession-and-alaska-native-rights/>.

Bigotry-based exclusion also transcends citizenship and legal rights. For example, in the national security context, the U.S. government has engaged in bigoted scapegoating through policies that drastically restrict the civil liberties of those targeted, including citizens. The incarceration of Japanese Americans during World War II provides one stark example with respect to anti-Asian American bigotry.<sup>66</sup> The passage of “sweeping legislation that eroded the civil liberties of citizens, and residents, who were or perceived to be Muslim” after September 11, 2001, illustrates this paradigm with respect to Islamophobia.<sup>67</sup> Additionally, the government has repeatedly engaged in clandestine intelligence programs to monitor and deter activists seeking to pursue racial equity.<sup>68</sup> These examples demonstrate the power of bigotry to enforce exclusion regardless of legal rights associated with citizenship.

Exclusions from civic institutions and public spaces are also common manifestations of bigotry. Several report contributions address voter suppression and underrepresentation as a manifestation of bigotry that works to preserve existing power structures by limiting who has a say in electoral leadership or legislative agendas.<sup>69</sup> In the legal system, bigotry manifests as exclusion from jury service<sup>70</sup> and access to the courts.<sup>71</sup> Lewis and Tabacco Mar describe the ways that gender-based discrimination in schools facilitates exclusion from certain majors or sports, particularly for students who are also experiencing racism, classism, and/or ableism.<sup>72</sup> Likewise, the construction of exclusionary physical space reflects normative ideas about who belongs in public spaces, and whose health, safety, and economic needs should be considered.<sup>73</sup> These manifestations of bigoted exclusion may seem distinct, but they are interconnected in the sense that all serve to restrict the right to fully and freely participate in society to those who are deemed to be insiders.

While some exclusions manifest through seemingly neutral policies that have a disparate impact on targeted groups, others are overtly bigoted. For example, as noted by Greenesmith, Townsend Riley, and De La Cuadra, there has been a proliferation of legislation explicitly targeting transgender and nonbinary people by criminalizing healthcare for trans youth, barring access to restrooms, preventing

<sup>66</sup>Watanabe and Jang Contribution at 61.

<sup>67</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 147.

<sup>68</sup>Nusrat Choudhury & Malkia Cyril, “The FBI Won’t Hand Over Its Surveillance Records on ‘Black Identity Extremists,’ so We’re Suing,” *ACLU*, March 21, 2019,

<https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/fbi-wont-hand-over-its-surveillance-records-black>.

<sup>69</sup>Watanabe and Jang Contribution at 70; Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 76; Ramirez and Rosado Contribution at 113; Bhatti and Merritt Contribution at 138.

<sup>70</sup>See Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 78; Willis Esqueda and Sutherland Contribution at 167.

<sup>71</sup>See Willis Esqueda and Sutherland Contribution at 168-69.

<sup>72</sup>Lewis and Tabacco Mar Contribution at 180.

<sup>73</sup>Belt Contribution at 40-41; Cox and Farrell Contribution at 86; see also A.A. Vincent, “30 Years after the ADA, We’re Still Fighting for Disability Justice,” *In These Times*, October 1, 2021, <https://inthesetimes.com/article/accessible-future-disability-rights-coronavirus-ada> (“Disabled people were not considered when our society was designed, forcing us to navigate inaccessible and ableist spaces in-person and virtually.”).

trans students from participating in school and sports, and impeding efforts for people to get identification documents reflecting their names and gender identities.<sup>74</sup> Explicitly bigoted policies such as these serve the dual purpose of enforcing specific restrictions and encouraging more generalized social exclusion by stigmatizing targeted groups.

Erasure is a related structural element of bigotry that contributes to bigoted ideologies about particular groups and narratives of belonging. Many contributions to this report describe the calculated scrubbing of historical memory in the U.S. through nationalistic mythology, whitewashed school curricula, misleading terminology, and stereotypical media representations. For example, as discussed above, myths like the discovery doctrine perpetuate false ideas that Indigenous peoples never existed, thus obscuring Indigenous dispossession and settler colonial violence. These myths were further reinforced by policies of forced assimilation that endeavored to erase the cultural practices and languages of peoples indigenous to the U.S. and Africa.<sup>75</sup> Similarly, Watanabe and Jang describe the omission of Asian Americans from visual and narrative accounts of U.S. history, which contributes to stereotypes that essentialize Asian Americans.<sup>76</sup> Tapu and Fa'agau describe the way that demographic data collection methods can perpetuate erasure by “mask[ing] the varied and distinct social, economic, and environmental issues that impact Pacific Islander communities.”<sup>77</sup> Greenesmith, Townsend Riley, and De La Cuadra note that “[q]ueer and trans stories are erased from history, pushed out of the dominant narratives, and misunderstood as Western inventions” which “lead[s] to pervasive cultural incompetence” that can be “compounded” by intersections with other categories of bigotry.<sup>78</sup> Likewise, Ryan Backer and Iggy Chang explain that older people are frequently excluded from health and technology research.<sup>79</sup> Since data “inform law and policy decisions” and “shape public perceptions” of particular groups, imprecise or exclusive data collection and analysis inhibit our ability to understand and disrupt bigotry.<sup>80</sup> Erasures such as these obscure not only the full complex humanity of people targeted by bigotry, but also their acts of resistance and the systems of power that seek their subordination.

Recent efforts to ban books and restrict school curricula that make any mention of racism or sexuality is a concerning development with respect to bigoted exclusion and erasure.<sup>81</sup> As noted by Jason Stanley, critical race theory has served as the latest target of these efforts, though there is a long history of censoring educational materials as a way of “[d]efending a fictional glorious and virtuous national

<sup>74</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140-41; see also “Legislation Affecting LGBTQ Rights Across the Country,” ACLU, accessed May 4, 2022, <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>; “Far-Right Groups Flood State Legislatures with Anti-Trans Bills Targeting Children,” *Southern Poverty Law Center*, April 26, 2021, <https://www.splcenter.org/hatewatch/2021/04/26/far-right-groups-flood-state-legislatures-anti-trans-bills-targeting-children>.

<sup>75</sup>Willis Esqueda and Sutherland Contribution at 156.

<sup>76</sup>Watanabe and Jang Contribution at 59-60, 69.

<sup>77</sup>Tapu and Fa'agau Contribution at 121.

<sup>78</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 142.

<sup>79</sup>Backer and Chang Contribution at 51-52.

<sup>80</sup>Tapu and Fa'agau Contribution at 121; see also Neda Khoshkhoo et al., “Toward Evidence-Based Antiracist Policymaking: Problems and Proposals for Better Racial Data Collection and Reporting,” *Center for Antiracist Research* (Forthcoming 2022).

<sup>81</sup>For a database of proposed and enacted laws restricting racial and gender justice education, see “Truth Be Told Campaign,” *African American Policy Forum*, accessed May 4, 2022, <https://www.aapf.org/truthbetold>.

past.”<sup>82</sup> Stanley suggests that if people are shielded from learning about experiences of bigotry, they may be less likely to understand efforts to resist bigotry, and more likely to meet such efforts with “fury and resentment.”<sup>83</sup> In this way, exclusion and erasure harm those targeted by these mechanisms, and also impede efforts to address bigotry through education and storytelling.

#### D. Criminalization

Criminalization is another common structural manifestation of bigotry. Bigoted criminalization occurs through narratives that associate certain groups or characteristics with criminality, and laws, policies, and practices that target people based on those associations. Although decisions about what conduct to prohibit and punish are portrayed as rational and natural, these are actually subjective determinations that are frequently guided by bigoted ideas.<sup>84</sup> Accordingly, interrogating criminalization is critical to disrupting bigotry.

The contributions to this report illustrate many ways that narratives of criminality drive laws and policies that target people based on bigotry. Ramirez and Rosado discuss bigoted portrayals of Latinx immigrants as criminals, “bad hombres,” or gang members as part of messaging efforts to justify exclusive immigration restrictions, violent border policies, mass detentions, and deportations.<sup>85</sup> Stereotypes of “crack mothers” and “welfare queens”—which emerge at the intersection of anti-Blackness, sexism, and classism—are wielded to support the expansion and enforcement of laws criminalizing reproduction.<sup>86</sup> The “superpredator myth” has contributed to laws allowing for the adult prosecution and excessive sentencing of children, reflecting criminalization at the intersection of ageism and anti-Black racism/anti-Latinx racism.<sup>87</sup> Cox and Farrell discuss the perception of the fat body as a crime, particularly in connection with anti-Blackness.<sup>88</sup> In these ways, false stereotypes of criminality drive the excessive and selective punishment of people already pushed to the margins by bigotry.

<sup>82</sup>Jason Stanley, “America Is in Fascism’s Legal Phase,” *Guardian*, Dec. 22, 2021, <https://www.theguardian.com/world/2021/dec/22/america-fascism-legal-phase>.

<sup>83</sup>Stanley, “America is in Fascism’s Legal Phase.”

<sup>84</sup>Andrea J. Ritchie and Beth E. Richie, *The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response*, (New York: Barnard Center for Research on Women, 2017), <https://bcrw.barnard.edu/wp-content/nfs/reports/NFS9-Challenging-Criminalization-Funding-Perspectives.pdf> (“While framed as neutral, decisions about what kinds of conduct to punish, how, and how much are very much a choice, guided by existing structures of economic and social inequality based on race, gender, sexuality, disability, and poverty, among others.”); see also “Policy Statement 202117: Advancing Public Health Interventions to Address the Harms of the Carceral System,” *American Public Health Association*, October 26, 2021, <https://www.apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Advancing-Public-Health-Interventions-to-Address-the-Harms-of-the-Carceral-System> (discussing federal, state and local policies through which “certain activities and identities are socially constructed as criminal and that legal ramifications are broadened”).

<sup>85</sup>Ramirez and Rosado Contribution at 116.

<sup>86</sup>Mariame Kaba and Andrea J. Ritchie, “Interrupting Criminalization: Research in Action,” *Barnard Center for Research on Women*, accessed May 4, 2022, <https://bcrw.barnard.edu/fellows/interrupting-criminalization-research-in-action/> (discussing these stereotypes); Ritchie and Richie, *The Crisis of Criminalization*, 20 (discussing criminalization of pregnancy and abortion).

<sup>87</sup>See “The Superpredator Myth, 25 Years Later,” *Equal Justice Initiative*, April 7, 2014, <https://eji.org/news/superpredator-myth-20-years-later/>.

<sup>88</sup>Cox and Farrell Contribution at 87.

Narratives of criminality also normalize the overpolicing and punishment of communities targeted by bigotry. Stereotypes of Black and Latinx criminality are used to create a social tolerance of practices like stop-and-frisk and racial profiling.<sup>89</sup> When people facing housing and economic instability are portrayed as lazy or trying to steal from the state, it reinforces the false notion that individual behavior is the root cause of inequity and makes the criminalization of poverty, or the monitoring of people who receive government assistance, more palatable to the general public.<sup>90</sup> Similarly, rhetoric associating Muslim identity with terrorism has spurred the “racial profiling, surveillance, spying, detention, and deportation” of Muslim, Arab and South Asian people in the U.S.<sup>91</sup> The effects of these narratives can show up in individual perceptions. For example, Willis Esqueda and Sutherland cite research showing that police officers testifying against people with accents that are stereotypically associated with a marginalized racial or ethnic group were more likely to be believed than police officers testifying against people without such accents.<sup>92</sup> These perceptions are also reflected in sentencing disparities.<sup>93</sup>

The inequitable enforcement of criminal laws perpetuates false narratives of criminality and vice versa. As noted by Williams Comrie, Landor, Townsend Riley, and Williamson, “Black people are more than three times more likely than whites to be arrested for [marijuana] possession, despite the fact that usage rates among Blacks and whites are nearly identical, and notwithstanding the growing trend toward decriminalization of marijuana across the country.”<sup>94</sup> Data show that Indigenous youth are disproportionately arrested and face harsher outcomes for certain offenses.<sup>95</sup> Loitering laws have

<sup>89</sup>See Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* 4 (Cambridge: Harvard University Press, 2010) (“African American criminality became one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or acceptance of racial violence as an instrument of public safety.”); Elizabeth Hinton and DeAnza Cook, “The Mass Criminalization of Black Americans: A Historical Overview,” *Annual Review of Criminology* 4, (June 29, 2020): 267-68 (“[S]tatistical discourses about black criminality shaped the strategies urban law enforcement authorities deployed in black neighborhoods . . . often resulting in the targeted enforcement of nonviolent crimes from the Prohibition period through the Great Depression.”) (citations omitted).

<sup>90</sup>Bhatti and Merritt Contribution at 132; see also Roberts, “Foreword: Abolition Constitutionalism,” 17-18 (“People who receive Medicaid or Temporary Assistance to Needy Families are subjected to intense surveillance by government agents as a condition of obtaining aid—and if they refuse aid, they are further subjected to child protective services investigations.”) (citations omitted); “Share No More: the Criminalization of Efforts to Feed People in Need,” *National Coalition for the Homeless*, October 2014,

<https://nationalhomeless.org/wp-content/uploads/2014/10/Food-Sharing2014.pdf> (discussing biases and stereotypes that perpetuate restrictions on food sharing).

<sup>91</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 145.

<sup>92</sup>Willis Esqueda and Sutherland Contribution at 168.

<sup>93</sup>See “Policy Statement 202117,” *American Public Health Association* (“Data show that given the same charge, Black and Latinx people are more likely than [w]hite people to be detained pretrial, to be sentenced to incarceration, and, when sentenced in federal courts, to receive longer sentences.”); Aziz, Beydoun, Mogahed, and Sridaran Contribution at 148 (noting that Muslim-perceived defendants receive harsher and longer sentences than non-Muslim perceived defendants for similar crimes).

<sup>94</sup>Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 79; see also Elisa Minoff, “Entangled Roots: The Role of Race in Policies That Separate Families,” *Center for the Study of Social Policy*, October 2018, 12, <https://cssp.org/wp-content/uploads/2018/11/CSSP-Entangled-Roots.pdf> (noting that Black people “have been prosecuted for drug crimes at disproportionately high rates, despite the fact that research has found no significant difference in the rates of either drug use or the selling of drugs between African American and white people—if anything, whites are more likely to do both”).

<sup>95</sup>Leah Wang, “The U.S. Criminal Justice System Disproportionately Hurts Native People: The Data, Visualized,” *Prison Policy Initiative*, October 8, 2021, <https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/>.

been used to target trans women, particularly those who are Black and/or Latinx.<sup>96</sup> This selective enforcement of laws both *reflects* bigoted notions about who should be policed, and *reinforces* bigoted conceptions of criminality by sweeping people into the criminal legal system for conduct that wealthy white people either do not have to engage in given their access to resources (like sleeping in a public place) or engage in freely (like jaywalking or cannabis use).<sup>97</sup> The current state of the U.S. carceral system—which disproportionately incarcerates people who are Black, Indigenous, or other people of color (BIPOC), people who are undocumented, people with disabilities, people who are lesbian, gay, bisexual, transgender, and/or queer, and people who are facing poverty—is the logical result of criminalization based on bigotry.<sup>98</sup>

Criminalization is an effective mechanism of structural bigotry because it can be used to hide evidence of deep social inequity, and to deprive people of otherwise legally protected rights. Incarceration obscures problems like job and housing shortages by sending away and restricting the rights of those who are most affected.<sup>99</sup> Depending on the jurisdiction, people with criminal convictions may be denied housing or employment opportunities, subjected to fines and fees, excluded from public benefits, or disenfranchised.<sup>100</sup> Collateral consequences such as these further stigmatize people who have criminal convictions, facilitating social exclusion—another core feature of structural bigotry, as discussed above.<sup>101</sup> In these ways, the criminal legal system can replicate legally prohibited forms of oppression—as demonstrated by scholarship examining the connections between slavery, convict leasing, Jim Crow, and mass incarceration—and help to maintain structural inequity.<sup>102</sup>

<sup>96</sup>See “Assembly Passes Repeal of the Walking while Trans Ban,” *N.Y. Assembly*, February 2, 2021, <https://nyassembly.gov/Press/?sec=story&story=95254> (describing the repeal of a loitering law that “has been used to disproportionately target trans women and women of color”).

<sup>97</sup>See “Policy Statement 202117,” *American Public Health Association* (noting that “[w]hile touted as universally applied . . . ‘tough-on-crime’ policies are rooted in efforts to exert social control over structurally marginalized people”); Devon W. Carbado, “Predatory Policing,” *UMKC Law Review* 85, no. 3 (2017): 549 (describing non-serious conduct that has been criminalized through vague statutes).

<sup>98</sup>“Policy Statement 202117,” *American Public Health Association*; see also Roberts, “Foreword: Abolition Constitutionalism,” 16 (“The physical expansion of prisons is facilitated by criminalizing subordinated people so that caging them seems ordinary and natural.”).

<sup>99</sup>Bhatti and Merritt Contribution at 135 (discussing the relationship between labor markets and incarceration); Roberts, “Foreword: Abolition Constitutionalism,” 16 (“[P]risons are the state’s response to social crises produced by racial capitalism, such as unemployment and unhealthy segregated housing, and to the rebellions waged by marginalized people who suffer most from these conditions.”); Dan Berger, “How Prisons Serve Capitalism,” Public Books, August 17, 2018, <https://www.publicbooks.org/how-prisons-serve-capitalism> (“[T]here is an emerging consensus that the rise of mass incarceration needs to be understood as the elite response to politically rebellious Black and Brown communities at the advent of neoliberalism.”); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crises, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007) (examining political and economic factors that have contributed to prison expansion).

<sup>100</sup>Roberts, “Foreword: Abolition Constitutionalism,” 37; Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 78.

<sup>101</sup>“Policy Statement 202117,” *American Public Health Association*.

<sup>102</sup>Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 78; Bhatti and Merritt Contribution at 134-35; Roberts, “Foreword: Abolition Constitutionalism,” 4; Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation* (Chicago: Haymarket Books, 2016), 109; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010); Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009).

## E. Economic Exploitation and Extraction

Bigoted ideas have been used to support and justify practices of economic exploitation that primarily serve the interests of a wealthy few. As Bhatti and Merritt put it, “[t]he oligarchs of this country have and have always had fortunes to protect, and white supremacy has always assured their place at the apex of society.”<sup>103</sup> The report contributions highlight several ways that bigoted ideas have furthered economic exploitation through extractive labor practices, predatory consumer industries, and campaigns to divide people who have shared economic interests.

Bigotry has been critical to the exploitation of wage labor and extractive labor practices that fuel U.S. capitalism. Settler colonialism involved not only the violent taking of land from Indigenous peoples, as discussed above, but also the violent “importation of labor—voluntary and involuntary” to make that land profitable, and the imposition of “structures for controlling that labor.”<sup>104</sup> Bigoted ideas have been used to justify the control of labor through slavery and, later, sharecropping, convict leasing, construction projects such as the Transcontinental Railroad, and selective immigration enforcement.<sup>105</sup> The bigoted control of labor has also been facilitated by labor protection exemptions targeting positions disproportionately held by people from historically marginalized groups, as noted by Lewis and Tabacco Mar.<sup>106</sup>

The contributions to this report illustrate the many ways that private industries use bigotry to their economic advantage. For example, the government and private corporations have perpetuated (and benefited from) anti-Indigenous bigotry and a disregard for Indigenous sovereignty by constructing “pipelines that go through Indian Country”<sup>107</sup> and engaging in the “desecration of sacred land.”<sup>108</sup> Additionally, states and corporations impose “fines, fees, forfeiture procedures, prison charges, and bail premiums” that generate revenue from criminalization—which, as discussed above, is another structural manifestation of bigotry.<sup>109</sup> Consumer industries offer another example of predatory bigotry. Bigoted ideas create and normalize anti-Black, anti-fat, and ageist standards that drive interest in the

<sup>103</sup>Bhatti and Merritt Contribution at 131.

<sup>104</sup>Saito, “Tales of Color and Colonialism,” 7.

<sup>105</sup>See Williams Comrie, Landor, Townsend Riley, and Williamson Contribution; Watanabe and Jang Contribution; Ramirez and Rosado Contribution.

<sup>106</sup>See Lewis and Tabacco Mar Contribution at 178 (discussing exclusions of domestic workers, agricultural workers, servers, home health aides, and gig economy workers); “We Dream in Black Program, Notes from the Storm: Black Immigrant Domestic Workers in the Time of COVID-19,” *Institute for Policy Studies and National Domestic Workers Alliance* (2020), <https://www.domesticworkers.org/wp-content/uploads/2021/06/IPS-WDiB-survey-brief-English.pdf>; Linda Burnham, Lisa Moore, and Emilee Ohia, “Living in the Shadows: Latina Domestic Workers in the Texas-Mexico Border Region,” *A.Y.U.D.A. Inc., Comité de Justicia Laboral, Fuerza de Valle Workers’ Center, National Domestic Workers Alliance* (2018), [https://www.domesticworkers.org/wp-content/uploads/2021/06/Living\\_in\\_the\\_Shadows\\_rpt\\_Eng\\_final\\_screen\\_1\\_1.pdf](https://www.domesticworkers.org/wp-content/uploads/2021/06/Living_in_the_Shadows_rpt_Eng_final_screen_1_1.pdf); Kamala Kelkar, “When Labor Laws Left Farm Workers Behind — And Vulnerable to Abuse,” *PBS.org*, September 18, 2016, <https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse>.

<sup>107</sup>Mays Contribution at 105.

<sup>108</sup>Dow Contribution at 92.

<sup>109</sup>Joshua Page and Joe Soss, “The Predatory Dimensions of Criminal Justice,” *Science* 374, no. 6565, (October 14, 2021): 291-94, <https://www.science.org/doi/10.1126/science.abj7782>; see also Ramirez and Rosado Contribution at 112 (noting that fines and fees are often used by government entities to generate revenue); Komala Ramachandra, “Abolish Extortionate Criminal Fines and Fees,” *Jurist*, September 30, 2020, <https://www.jurist.org/commentary/2020/09/komala-ramachandra-abolish-extortionate-criminal-fees/> (same).



diet, beauty, and wellness industry, as highlighted in several report contributions.<sup>110</sup> Moreover, Backer and Chang explain that older people are frequently the targets of financial scams due to bigoted perceptions of their vulnerability.<sup>111</sup> In these ways, bigoted ideas and policies work together to facilitate economic exploitation.

Bigoted ideas and policies also facilitate the undervaluation and undercompensation of targeted groups. Lewis and Tabacco Mar lay out the stark wage gap between men and women, and especially women who are Black, Indigenous, Latinx, or transgender.<sup>112</sup> They also note that professions historically held by women, such as teaching, are “systemically underpaid,” and that “many forms of ‘women’s work’—particularly work historically performed by enslaved Black women—remain excluded from overtime, minimum wage, and other pay protections.”<sup>113</sup> Cox and Farrell likewise explain that fat people “regularly receive lower pay and face educational and job discrimination to such a degree that they will experience lower social mobility compared to their thinner peers and family members.”<sup>114</sup> Greenesmith, Townsend Riley, and De La Cuadra highlight government and private institutions’ underinvestment in queer and trans community leaders.<sup>115</sup> People with disabilities are also frequently underpaid or excluded from employment opportunities.<sup>116</sup> Dehumanizing narratives are deployed to justify such disparities and perpetuate extractive labor policies.<sup>117</sup>

Finally, bigoted ideologies serve as a wedge to prevent broad alliances against capitalism and economic exploitation. As noted in the contributions addressing anti-Latinx racism and anti-Asian/Asian American racism, the portrayal of the U.S. economy as a zero sum game has been used to justify exclusionary immigration policies and anti-immigrant violence by engendering fear that immigrants are coming to take away jobs.<sup>118</sup> Bhatti and Merritt describe the use of “racist stereotypes of poor Black and Latinx people, usually women, as the face of poverty.”<sup>119</sup> This “classist racism” provides “the foundation for getting poor white people to rationalize withholding [social] services from themselves, to the benefit of the oligarchs who would otherwise have to pay greater taxes to fund social welfare programs.”<sup>120</sup> Similarly, Black and Ward highlight that antisemitic stereotypes are used to distract from social problems and “divide[] people who might be allies or form common cause, allowing those who hold structural power to escape responsibility for the conditions that are causing suffering.”<sup>121</sup> False divisions such as these reflect the bigoted idea “that any defending of one oppressed group requires us not to defend anyone else” when actually “the liberation of all oppressed people is essential to the liberation of our society as a whole.”<sup>122</sup> In these ways, structural bigotry helps maintain stark wealth disparities in the U.S.

<sup>110</sup>Backer and Chang Contribution at 54; Williams Comrie, Landor, Townsend Riley, Williamson Contribution at 74; Cox and Farrell Contribution at 82-85.

<sup>111</sup>Backer and Chang Contribution at 53.

<sup>112</sup>Lewis and Tabacco Mar Contribution at 179.

<sup>113</sup> Lewis and Tabacco Mar Contribution at 179.

<sup>114</sup>Cox and Farrell Contribution at 87.

<sup>115</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 142.

<sup>116</sup>Derecka Purnell, “Police Violence Is a Disability Justice Issue,” *Boston Review*, September 29, 2021, <https://bostonreview.net/articles/police-violence-is-a-disability-justice-issue/>.

<sup>117</sup>See supra Section II.B (discussing dehumanization).

<sup>118</sup>Watanabe and Jang Contribution at 63; Ramirez and Rosado Contribution at 116.

<sup>119</sup>Bhatti and Merritt Contribution at 132.

<sup>120</sup>Bhatti and Merritt Contribution at 133.

<sup>121</sup>Black and Ward Contribution at 125.

<sup>122</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 80.

## F. Control of Reproduction and Family

Control of reproduction and families is another widespread structural manifestation of bigotry that emerged from the Antbigotry Fellows' contributions. Through a range of policies and ideas, control of reproduction and family life undermines bodily autonomy, enables social control, divides communities, causes trauma, and perpetuates cultural erasure.

Forced sterilizations have long served as a means of reproductive control across several categories of bigotry.<sup>123</sup> With respect to anti-Indigenous bigotry, Dow highlights that these practices were part of a genocidal campaign that not only harmed individuals, but also contributed to historical erasure by compelling people to hide their identities. She states: "Eugenics in the early 1900s drove Indigenous people underground, led them to self-identify as something other than Indigenous, and thus hiding in plain sight became a way of life."<sup>124</sup> Even after eugenics was debunked as pseudoscience, targeted sterilization of Indigenous, Black, and Latinx people has continued through various mechanisms.<sup>125</sup> As noted by Belt, the 1927 Supreme Court case authorizing forced sterilizations of people deemed mentally disabled—in an opinion rife with overt ableism—has never formally been overturned.<sup>126</sup>

Control of reproduction is also performed through legal restrictions of reproductive freedom, which have recently proliferated. Lewis and Tabacco Mar highlight that states have enacted more restrictions on abortion rights in the last decade than the decade before.<sup>127</sup> These laws cause particular harms to those who face greater barriers to accessing reproductive healthcare, including BIPOC women, poor women, trans and nonbinary people, women with disabilities, and adolescents.<sup>128</sup> These laws not only regulate choices about whether to have a child, but also serve as a means of regulating reproductive bodies more broadly, as "repressive fetal protection laws and abortion restrictions coalesce to criminalize pregnancy itself."<sup>129</sup> In this way, laws controlling reproduction are also a form of criminalization.

<sup>123</sup>Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck* (New York: Penguin Books, 2016); Maya Manion, "Immigration Detention and Coerced Sterilization: History Tragically Repeats Itself," *ACLU News & Commentary*, September 29, 2020, <https://www.aclu.org/news/immigrants-rights/immigration-detention-and-coerced-sterilization-history-tragically-repeats-itself/>.

<sup>124</sup>Dow Contribution at 91.

<sup>125</sup>See Victoria Bekiempis, "More Immigrant Women Say They Were Abused by ICE Gynecologist," *Guardian*, December 22, 2020, <https://www.theguardian.com/us-news/2020/dec/22/ice-gynecologist-hysterectomies-georgia> (discussing allegations that in 2020, doctors at an ICE Detention Center in Georgia performed "non-consensual, medically unindicated and/or invasive gynecological procedures," including hysterectomies on several people detained at the facility); Brianna Theobald, "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters," *Time*, November 17, 2019, <https://time.com/5737080/native-american-sterilization-history/> (discussing sterilizations "performed under pressure or duress, or without the women's knowledge or understanding").

<sup>126</sup>Belt Contribution at 40 (citing *Buck v. Bell*, 274 U.S. 200 (1927)).

<sup>127</sup>Lewis and Tabacco Mar Contribution at 181.

<sup>128</sup>Lewis and Tabacco Mar Contribution at 181.

<sup>129</sup>Roberts, "Foreword: Abolition Constitutionalism," 17-18.

Family separation is a related structural manifestation of bigotry that exerts social control through fear. Bigoted family separations were components of slavery and colonization, and persist through the criminal, child welfare, and immigration systems. In the context of slavery, family separation was used as a means of maximizing profits and enforcing dehumanization in a system that treated people as property.<sup>130</sup> In the context of settler colonialism, family separation was a mechanism of forced assimilation and erasure, perpetuated through Indigenous removals, campaigns to “civilize” and “Christianize” Indigenous children at abusive boarding schools, and “the Indian Adoption Project” which placed Indigenous children in the homes of white families.<sup>131</sup> It should be noted that forcibly transferring children of one national, ethnic, racial or religious group to another is a tactic of genocide, as outlined in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.<sup>132</sup>

The legacies of these bigoted practices are evident in our current criminal and child welfare systems, where family separation is intertwined with processes of criminalization and dehumanization. Bigoted ideas about parental fitness are incorporated into the child welfare system at many levels: from the discretionary determinations made by child protection services workers, to the ultimate decisions handed down by family court judges.<sup>133</sup> Stereotypes of incompetence and deviance interact with systems of overpolicing and surveillance to produce what has been referred to as “Jane Crow,” a child welfare apparatus that targets Black, Indigenous, and Latinx women.<sup>134</sup> Cox and Farrell highlight anti-fat bigotry in these systems as well, noting that children have been removed from homes based on their or their mother’s body size.<sup>135</sup> These separations reflect the “idea that fatness in the family signifies an unsuitable home and unfit parenting,” and target women of color in particular, indicating an intersection of anti-fat bigotry, racism, and sexism.<sup>136</sup> As noted by Lewis and Tabacco Mar, “[i]t is no surprise that poor women, who are often subject to state monitoring via public benefits laws and the criminal legal system, are disproportionately placed into child welfare systems” and that

<sup>130</sup>Ndjuoh MehChu, “Help Me to Find My Children: A Thirteenth Amendment Challenge to Family Separation,” *Stanford Journal of Civil Rights and Civil Liberties* 17, no. 1 (2021): 162–63; Rachel Johnson-Farias, “Uniquely Common: The Cruel Heritage of Separating Families of Color in the United States,” *Harvard Law and Policy Review* 14, no. 2 (2020): 535.

<sup>131</sup>Elisa Minoff, “Entangled Roots”; see also Heron Greenesmith, “Best Interests: How Child Welfare Serves as a Tool of White Supremacy,” *Political Research Associates*, November 26, 2019, <https://politicalresearch.org/2019/11/26/best-interests-how-child-welfare-serves-tool-white-supremacy>.

<sup>132</sup>UN General Assembly, “Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948,” *United Nations, Treaty Series*, vol. 78, 277, <https://www.refworld.org/docid/3ae6b3ac0.html> (accessed April 9, 2022).

<sup>133</sup>Petra Bartosiewicz, “Extraordinary Circumstances: A Father’s Yearslong Struggle to Regain Custody of His Son,” *New York Magazine*, February 15, 2022, <https://nymag.com/intelligencer/2022/02/nyc-acs-child-custody-foster-care.html>; Krista Thomas and Charlotte Halbert, “Transforming Child Welfare: Prioritizing Prevention, Racial Equity, and Advancing Child and Family Well-Being,” *National Council on Family Relations*, April 5, 2021, 4–5, [https://www.ncfr.org/system/files/2021-04/Transforming\\_Child\\_Welfare\\_Brief\\_w\\_ExSum\\_0421.pdf](https://www.ncfr.org/system/files/2021-04/Transforming_Child_Welfare_Brief_w_ExSum_0421.pdf); Dorothy Roberts, “Race and Class in the Child Welfare System,” *PBS*, accessed May 27, 2022, <https://www.pbs.org/wgbh/pages/frontline/shows/fostercare/caseworker/roberts.html>.

<sup>134</sup>Lewis and Tabacco Mar Contribution at 182; Minoff, “Entangled Roots,” 16–17; Stephanie Clifford and Jessica Silver-Greenberg, “Foster Care as Punishment: The New Reality of ‘Jane Crow,’” *New York Times*, July 21, 2017, <https://www.nytimes.com/2017/07/21/nyregion/foster-care-nyc-jane-crow.html>; Dorothy E. Roberts, “Prison, Foster Care, and the Systemic Punishment of Black Mothers,” *UCLA Law Review* 59, no. 6 (2012): 1486.

<sup>135</sup>Cox and Farrell Contribution at 86.

<sup>136</sup>Cox and Farrell Contribution at 86.

“[o]nce identified for family regulation, mothers of color fare worse than their white counterparts.”<sup>137</sup> Moreover, family separation is an inherent consequence of incarceration, which disproportionately harms people across several categories of bigotry.<sup>138</sup>

Family separation and detention have also long been components of racist and xenophobic U.S. border policies. Family separation tactics were used as part of anti-Asian immigration policies at the turn of the twentieth century, and disproportionately harm Latinx immigrants today.<sup>139</sup> As noted by Ramirez and Rosado, elected officials’ descriptions of Latinx immigrants as “animals” perpetuate bigoted narratives that are used to justify family separation.<sup>140</sup> The separation of over 2,500 children—including toddlers—from their parents at the Southwest border in 2018 was one of many family separation policies targeting predominantly Latinx migrants.<sup>141</sup> Bigoted ideas are wielded to normalize the perverse use of family separation as a means of immigration enforcement and deterrence.

Despite recent attention to the harms of family separation, bigoted practices of family separation remain prevalent. The state continues to separate families as “a routine part of civil immigration enforcement.”<sup>142</sup> In February of 2022, the Attorney General and Governor of Texas called for child welfare investigations of families who sought gender-affirming care for their transgender children.<sup>143</sup> The Indian Child Welfare Act of 1978 (ICWA), which was established to address forced assimilation through Indigenous family separations, is currently facing legal challenges in the U.S. Supreme Court.<sup>144</sup> These are just a few examples of the ways that those in power continue to use bigoted ideas and policies to control, assimilate, and eradicate groups of people.

## G. Violence

Violence is a manifestation of bigotry that intersects with many of the others discussed above and can take the form of individual or state-sponsored actions. The contributions to this report illustrate the structural nature of seemingly individual acts of bigoted violence, which are frequently connected to laws, policies, or state actions. Other structural aspects of violent bigotry include violence perpetrated by government actors, and the failure to collectively respond to violence targeting particular groups.

<sup>137</sup>Lewis and Tabacco Mar Contribution at 182.

<sup>138</sup>“Policy Statement 202117,” *American Public Health Association* (noting that “structurally marginalized people are overrepresented” in the carceral system, including people who identify as BIPOC; people who are undocumented; people who have disabilities; people who are LGBTQ+; and people who are facing housing and economic instability); Minoff, “Entangled Roots,” 10 (discussing racial disparities with respect to incarceration rates).

<sup>139</sup>Minoff, “Entangled Roots,” 7.

<sup>140</sup>Ramirez and Rosado Contribution at 116.

<sup>141</sup>Minoff, “Entangled Roots,” 5; MehChu, “Help Me to Find My Children,” 135.

<sup>142</sup>Azadeh Erfani and Heidi Altman, “Comment, Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families,” *National Immigrant Justice Center*, Docket No. DHS-2021-0051 at 2, (January 19, 2022), <https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2022-01/Family-separation-policies-NIJC-comment-2022-01-19.pdf>.

<sup>143</sup>Chase Strangio, “Texas Is Terrorizing Trans Youth,” *Nation*, February 24, 2022, <https://www.thenation.com/article/activism/texas-gender-affirming-care/>.

<sup>144</sup>Amy Howe, “Justices Agree to Review Constitutionality of Indian Child Welfare Act,” *SCOTUSblog*, February 28, 2022, <https://www.scotusblog.com/2022/02/justices-agree-to-review-constitutionality-of-indian-child-welfare-act/>; Randall Akee, “40 Years Ago We Stopped the Practice of Separating American Indian Families. Let’s Not Reverse Course,” *Brookings Institution*, October 11, 2018, <https://www.brookings.edu/blog/up-front/2018/10/11/40-years-ago-we-stopped-the-practice-of-separating-american-indian-families-lets-not-reverse-course/>.

Several report contributions address the relationship between individual acts of bigoted violence and structural expressions of bigotry. Lynching is one example of violent bigotry that has sometimes taken place with the encouragement of state actors and is often part of broader campaigns to stoke fear or punish perceived transgressions of social hierarchies across several categories of bigotry.<sup>145</sup> Many hate crimes are also tied to state-sponsored expressions of bigotry. For example, Watanabe and Jang describe anti-Asian American acts of violence dating back to the 1800s, with spikes in particular political moments, such as in the aftermath of elected officials' anti-Asian/Asian American mischaracterizations regarding the COVID-19 pandemic.<sup>146</sup> Several of these incidents have targeted women, elderly people, and people not fluent in English, indicating intersections with ageism, sexism, linguicism, and xenophobia.<sup>147</sup> Similarly, Aziz, Beydoun, Mogahed, and Sridaran describe how Islamophobia in the U.S. has formed “a system of bigotry propagated by the state, private institutions, and a broader dialectic that tied governmental action with popular vigilantism.”<sup>148</sup> They note that, while Orientalist and anti-Muslim ideology long predated 9/11, there were dramatic increases in anti-Muslim hate crimes after 9/11 and again in 2015, during a presidential election cycle.<sup>149</sup> Greenesmith, Townsend Riley, and De La Cuadra describe pervasive violence against queer and trans people due to “sociocultural factors” and “a lack of comprehensive policy that protects our lives and prohibits our mistreatment.”<sup>150</sup> Backer and Chang also discuss studies drawing connections between structural expressions of ageism and violence towards older people.<sup>151</sup> Black and Ward highlight antisemitic death threats and the desecration of burial sites and houses of worship as “[s]ystemic . . . forms of social control” that “exist to ensure that Jews know their place.”<sup>152</sup> These are just a few examples that illustrate the structural nature of (seemingly) individual acts of bigoted violence.

<sup>145</sup>Ramirez and Rosado Contribution at 107 (discussing anti-Latinx lynching); Watanabe and Jang Contribution at 62 (discussing the Los Angeles massacre of Chinese Americans in 1871); Equal Justice Initiative, *Reconstruction in America: Racial Violence after the Civil War, 1865-1876*, July 2020, 44, <https://eji.org/wp-content/uploads/2020/07/reconstruction-in-america-report.pdf> (discussing lynchings targeting Black people during Reconstruction); *Equal Justice Initiative, Lynching in America: Confronting the Legacy of Racial Terror*, (2017), <https://lynchinginamerica.eji.org/drupal/sites/default/files/2020-09/09-15-20-lia-cap.pdf> (discussing lynching targeting Black people between 1877 and 1950); Barbara Holden-Smith, “Lynching, Federalism, and the Intersection of Race and Gender in the Progressive Era,” *Yale Journal of Law and Feminism* 8, no. 1 (1996): 36 (noting that lynchings in the 1800s targeted “members of groups seen as outsiders by local citizens” and included Mormons, Italian immigrants, Indigenous peoples, Chinese immigrant laborers, and Mexicans); David Garland, “Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America,” *Law and Society Review* 39, no. 4 (2005): 810 (discussing the relationship between individual and state action with respect to public torture lynchings in the twentieth century).

<sup>146</sup>Watanabe and Jang Contribution at 64.

<sup>147</sup>Watanabe and Jang Contribution at 64.

<sup>148</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 146.

<sup>149</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 149.

<sup>150</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 140.

<sup>151</sup>Chang and Backer Contribution at 52-53 (citing Chang et al., “Impact of Structural Ageism”).

<sup>152</sup>Black and Ward Contribution at 129.

Other structural manifestations of bigoted violence include acts committed or endorsed by state actors across several categories, generally as a means of amassing wealth or exerting social control. Dow and Mays discuss several examples of anti-Indigenous violence through settler colonialism.<sup>153</sup> Williams Comrie, Landor, Townsend Riley, and Williamson discuss the constant anti-Black violence enacted to extract labor and exert social control throughout slavery and Reconstruction.<sup>154</sup> As illustrated by Corrigan and Tyler, violence has been a consistent mechanism of religious bigotry in the U.S.<sup>155</sup> Police violence is another example of state-authorized violence that manifests across multiple categories, through tactics that target predominantly Black, Indigenous, Latinx, and Muslim communities.<sup>156</sup> Several report contributions also address particular expressions of police violence at the intersection of anti-Black racism and other categories of bigotry, including ableism,<sup>157</sup> Islamophobia,<sup>158</sup> and anti-fat bigotry.<sup>159</sup> Lewis and Tabacco Mar also highlight gendered police violence, including sexual assault, which generally targets Black, Indigenous, Latinx, and queer women.<sup>160</sup>

The failure to recognize and respond to violent acts of bigotry is, itself, violent bigotry. For example, Dow and Mays both highlight the need to address the crisis of Missing and Murdered Indigenous Women (MMIW), wherein Indigenous women, girls, two-spirit, queer, trans, and nonbinary people have been targets of violence, yet perpetrators are rarely held accountable.<sup>161</sup> Similarly, Williams Comrie, Landor, Townsend Riley, and Williamson note that “[t]hroughout the history of this country, and even presently, Black people have been publicly attacked—physically and otherwise—without any significant response from the general public.”<sup>162</sup> Anti-trans hate violence, particularly targeting Black and Latinx people, is generally underreported in the media, or reported in harmful ways that reinforce stereotypes or misgender the person targeted by the violence.<sup>163</sup> Bigotry impedes efforts to

<sup>153</sup>See Dow Contribution; Mays Contribution.

<sup>154</sup>See Williams Comrie, Landor, Townsend Riley, and Williamson Contribution.

<sup>155</sup>See Corrigan and Tyler Contribution.

<sup>156</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 78-79; Ramirez and Rosado Contribution at 112-13; Aziz, Beydoun, Mogahed, and Sridaran Contribution at 145, 153-54; Roberts, “Foreword: Abolition Constitutionalism,” 24; Elise Hansen, “Native Americans: The Forgotten Minority in Police Shootings,” *CNN*, November 13, 2017, <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>; “Native Lives Matter: The Overlooked Police Brutality against Native Americans,” *Lakota People’s Law Project*, November 21, 2017, <https://lakotalaw.org/news/2017-11-21/native-lives-matter-the-overlooked-police-brutality-against-native-americans>.

<sup>157</sup> Belt Contribution at 40; see also Purnell, “Police Violence Is a Disability Justice Issue.”

<sup>158</sup>Aziz, Beydoun, Mogahed, and Sridaran Contribution at 153

<sup>159</sup>Cox and Farrell Contribution at 87.

<sup>160</sup>Lewis and Tabacco Mar Contribution at 182; Roberts, “Foreword: Abolition Constitutionalism,” 24-26 (“Black women, women of color, and queer women are especially vulnerable to gendered forms of sexual violence at the hands of police.”).

<sup>161</sup>Dow Contribution at 96; Mays Contribution at 105; “Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People,” *Federal Register* vol. 86, no. 220, at 64337 (November 15, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-25287.pdf>; Angeline Cheek and Lucy Simpson, “We Need Accountability for Those Who Commit Violence against Native Women,” *ACLU News & Commentary*, October 18, 2021, <https://www.aclu.org/news/racial-justice/we-need-accountability-for-those-who-commit-violence-against-native-women>; “Murdered and Missing Indigenous Women,” *Native Women’s Wilderness*, accessed May 4, 2022, <https://www.nativewomenswilderness.org/mmiw>.

<sup>162</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 27.

<sup>163</sup>Max Osborn, “U.S. News Coverage of Transgender Victims of Fatal Violence: An Exploratory Content Analysis,” *Violence Against Women*, August 2021, <https://doi.org/10.1177/10778012211025995>; Anagha Srikanth, “Anti-Trans Hate Crimes Soar—And True Numbers May Be Worse,” *Changing America*, November 2020, <https://thehill.com/changing-america/respect/equality/526609-anti-trans-hate-crimes-soar-and-true-numbers-may-be-worse>.

intervene in violence and seek accountability because, as noted in the contribution addressing anti-Black racism, bigotry “encourages the public to dismiss harm when it is done to communities of oppressed populations.”<sup>164</sup> The burden of demanding accountability for violence compounds the harm imposed by violent acts of bigotry.

### III. Moving Toward Antibigotry

A structural analysis of bigotry suggests some considerations for moving towards a unified concept of antibigotry. In Part I, we defined bigotry as a union of bigoted ideas and policies that produce and normalize broad social inequities. In Part II, we examined common structural manifestations of bigotry, illustrating connections and themes that emerged from the Antibigotry Fellows’ contributions. Here, we build on this foundation to define antibigotry, and explore ways to support antibigotry scholarship and activism.

#### A. What Is Antibigotry?

The concept of antibigotry is grounded in the recognition that many expressions of bigotry are interrelated and/or intersecting, and that while experiences of bigotry may differ, bigotry—in both its individual and structural forms—operates to preserve systems of power and subordination in the U.S. Moreover, seemingly isolated expressions of bigotry often produce common harms, suggesting possibilities for solidarity.

To define antibigotry, we return to Kendi’s analysis of antiracism. Kendi defines antiracism as “a powerful collection of antiracist policies that lead to racial equity and are substantiated by antiracist ideas.”<sup>165</sup> He further defines an antiracist policy as “any measure that produces or sustains racial equity between racial groups,” and an antiracist idea as one “that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group.”<sup>166</sup> This reasoning can be applied in the context of antibigotry.

**Antibigotry is a collection of antibigoted policies that promote broad group equity and social justice and are substantiated by antibigoted ideas.** Antibigoted policies are those that counteract the discrimination, oppression, or subordination of any social or socially constructed group. Antibigoted ideas recognize that no group of people is superior or inferior to any other.

Antibigotry means working to disrupt all forms of bigotry, without leaving anyone behind. Antibigoted policies and ideas do not perpetuate one category of bigotry in service of disrupting another. In this way, antibigotry cannot be pursued in isolated silos. Rather, antibigotry is a collaborative endeavor toward collective liberation.

<sup>164</sup>Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 80.

<sup>165</sup>Kendi, *How to Be an Antiracist*, 20.

<sup>166</sup>Kendi, *How to Be an Antiracist*, 18.

## B. Antibigotry Possibilities

This project has explored common harms and shared interests that may facilitate organizing towards antibigotry. With this in mind, and based on the convening sessions and Fellows' report contributions, below we examine some potential interventions that antibigotry activists could collectively explore, attempt, build upon, revise, and re-implement. The purpose of this Section is not to impose an agenda or minimize existing efforts to confront bigotry through powerful coalitions. Our hope is to contribute to a unified antibigotry concept and movement.

### a. Land and Environmental Justice

Land justice is an important component of antibigotry. As discussed above, the U.S. was formed through settler colonial dispossession that was rooted in bigoted ideas. Bigoted narratives have also been wielded to justify dispossession across other categories of bigotry. Antibigotry efforts to achieve land justice should engage all who have been harmed by dispossession, while recognizing Indigenous sovereignty.

We cannot confront bigotry in the U.S. without determining how to honor treaties and return Indigenous land.<sup>167</sup> The return of land can take many forms, and particular methods may vary based on context and the wishes of those who have been dispossessed.<sup>168</sup> Tapu and Fa'agau elevate a conceptual framework outlined by Kapua'ala Sproat to help evaluate "whether actions will result in on-the-ground justice for Indigenous communities or only exacerbate colonial harms."<sup>169</sup> This framework encompasses four values of Indigenous self-determination: (1) cultural integrity, (2) land and natural resources, (3) social determinants of health and wellbeing, and (4) self-governance. Mays and Dow describe similar decolonizing pathways.<sup>170</sup>

In addition to returning stolen land to Indigenous peoples, pursuing antibigotry involves considering how to redress and prevent other forms of dispossession. A key question for an antibigotry movement is how to pursue justice for all forms of bigoted dispossession without further perpetuating anti-Indigenous dispossession and erasure by disregarding prior Indigenous stewardship of land. Antibigotry involves exploring ways to redress Latinx/Chicanx dispossession that occurred through treaty violations, war, and legal mechanisms; the dispossession of enslaved African people who were taken from their land; the dispossession of people who have been subjected to illegal foreclosures; and many more. Such problems are challenging, but broad-based coalitions built on solidarity have the power to navigate a path forward.<sup>171</sup>

<sup>167</sup>See Dow Contribution; Mays Contribution.

<sup>168</sup>See Kyle Mays, *Afro-Indigenous History of the United States* (Boston: Beacon Press, 2021), 181 (suggesting that vacant plots of land in urban centers could be given to Indigenous peoples); David Treuer, "Return the National Parks to the Tribes," *Atlantic*, April 12, 2021, <https://www.theatlantic.com/magazine/archive/2021/05/return-the-national-parks-to-the-tribes/618395/> (proposing the return of national park land to Indigenous tribes); "Return Land/Land Return," *Sogorea te' Land Trust*, <https://sogoreate-landtrust.org/return-land/> (accessed April 9, 2022) (collecting examples of repatriation); NDN Collective, accessed May 4, 2022, "Landback Campaign Demands," <https://ndncollective.org/campaigns/> (listing four campaign demands).

<sup>169</sup>Tapu and Fa'agau Contribution at 122.

<sup>170</sup>See Dow Contribution at 93-96; Mays Contribution at 105.

<sup>171</sup>See Mays, *An Afro-Indigenous History of the United States*, 123 (calling for "coalitions across races, across borders, especially as global capitalist exploitation, neocolonialism, and imperialism continue to impact us all, albeit at times in different ways").



An antibigotry approach to land justice could also include efforts to reverse environmental degradation. Land is constantly degraded by capital, and the degradation of land has gone hand in hand with the degradation of people. An environmental program rooted in antibigotry could also include funding to support Indigenous-led programs that engage methods of stewardship that settler colonialism endeavored to destroy.<sup>172</sup>

Confronting dispossession through antibigotry also involves interrogating systems of private property that were constructed through settler colonialism and slavery. This includes exploring possibilities for land decommodification. Additionally, it may be helpful to consider the concepts of “dignity taking” and “dignity restoration,” developed by scholar Bernadette Atuahene.<sup>173</sup> Atuahene defines a “dignity taking” as a particular form of dispossession that “occurs when a state directly or indirectly destroys or confiscates property rights from owners or occupiers and the intentional or unintentional outcome is dehumanization or infantilization.”<sup>174</sup> In such cases, Atuahene argues, material compensation alone is an insufficient remedy, because it fails to address the attack on dignity that accompanied the dispossession. Instead, Atuahene proposes the remedy of “dignity restoration,” which “seeks to provide dispossessed individuals and communities with material compensation through processes that affirm their humanity and reinforce their agency.”<sup>175</sup> Since dispossession and dehumanization are both structural mechanisms of bigotry examined here, it may be helpful to consider their potential interconnections in developing antibigotry interventions.

## **b. Disruptive Cultural Expression and Radical Healing**

The contributions to this report have illustrated that legal and policy changes alone cannot dismantle bigotry. For example, as noted by Greenesmith, Townsend Riley, and De La Cuadra, some states and localities have adopted policies that prohibit discrimination on the basis of gender identity, “[b]ut despite what is written into legislation, there is still a culture that allows for the discrimination and violence to occur.”<sup>177</sup> Antibigotry efforts can extend beyond the legal realm and include other social, cultural, and narrative components.

Cultural and artistic expressions are powerful mediums for shifting narratives of dehumanization and envisioning liberatory futures. Visual art, books, movies, television shows, and music can challenge structural bigotry by depicting experiences that contradict dominant narratives, and portray the complexities of human personhood.<sup>177</sup> Storytelling in educational or training settings can illuminate

<sup>172</sup>See Dow Contribution at 93-94 (discussing the need to support Indigenous people in reclaiming lifeways and Traditional Ecological Knowledge); Mays Contribution at 103 (citing Jessica Hernandez, *Fresh Banana Leaves: Healing Indigenous Landscapes through Indigenous Science* (Berkeley: North Atlantic Books, 2022)).

<sup>173</sup>Bernadette Atuahene, “Dignity Takings and Dignity Restoration: Creating A New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required,” *Law and Social Inquiry* 41, no. 4 (2016): 797.

<sup>174</sup>Atuahene, “Dignity Takings and Dignity Restoration,” 817.

<sup>175</sup>Atuahene, “Dignity Takings and Dignity Restoration,” 818.

<sup>176</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 141.

<sup>177</sup>See Cox and Farrell Contribution at 88 (discussing writers and photographers disrupting anti-fat bigotry through works that engage complexities of their subjects); Landback Art - Collective Art Liberation, <https://landback.org/programs/#landback-art>.

mechanisms of structural bigotry and encourage questioning of the status quo.<sup>178</sup> Narrative-shifting can also occur through interpersonal conversations within networks of trust.<sup>179</sup> Importantly, antibigotry art and storytelling are not just about responding to bigotry; they also help facilitate the difficult work of envisioning a future without bigotry.

Creating space for healing and joy is itself a radical act of resisting dehumanization. As highlighted by Lewis and Tabacco Mar, spaces for individual and collective healing enable those who are targeted by bigotry “to exist in the space between fighting interlocking systems of oppression and envisioning future possibilities for wellness, freedom, and dignity.”<sup>180</sup> Imagining a world without bigotry is a central step towards building one.

### c. Belonging

The contributions to this report help illustrate the ways that exclusive policies, whitewashed school curricula, inaccessible physical spaces, stigmatization, and similar mechanisms work together to construct a sense of who belongs in the U.S. and who does not. Antibigotry involves deconstructing myths of entitlement, promoting public understanding of U.S. history, rejecting inhumane border policies, and expanding civic and social inclusion.

Public education and critical research initiatives can be used to counteract erasure and exclusion by presenting more accurate and comprehensive accounts of U.S. history and modern life. For example, the topics discussed throughout this report could be covered by standard K-12 education in the U.S., rather than being silenced through legislation prohibiting the study of critical race theory or other antibigotry literature. Another strategy is to provide federal funding for education initiatives aimed at mitigating historical erasure, such as courses on Indigenous and Afro-Indigenous languages. Likewise, research and scholarship can be used to elevate underexamined experiences within communities marginalized by bigotry, such as Asian American experiences that do not comport with the “model minority” myth, as noted by Watanabe and Jang, and experiences in urban Indigenous communities, as noted by Mays. Such scholarship should employ critical methodologies that incorporate research participants as experts in their own experiences.<sup>181</sup>

<sup>178</sup>See Backer and Chang Contribution at 57 (recommending educational efforts that reveal “the contributions of all individuals across age groups, by providing accurate representations of older individuals, and encouraging empathy building for all age groups”); Williams Comrie, Landor, Townsend Riley, and Williamson Contribution at 80 (stating that “in order for the public—and white America in particular—to become invested in pushing back against anti-Blackness, they must find and appreciate the real value of the Black experience”); Aziz, Beydoun, Mogahed, and Sridaran Contribution at 154 (recommending “Islamophobia trainings and workshops led by experts highlighting the anatomy and architecture of state-sponsored and private Islamophobia, notable policies and currents that perpetuate it, and action steps that can be implemented within institutions”); Lewis and Tabacco Mar Contribution at 184 (noting the need to “deconstruct gender stereotypes” and “increase awareness about gender bias and bystander intervention”).

<sup>179</sup>See Ramirez and Rosado Contribution at 117, Corrigan and Tyler Contribution at 174.

<sup>180</sup>Lewis and Tabacco Mar Contribution at 184.

<sup>181</sup>See Vivetha Thaminathan and Elizabeth Anne Kinsella, “Decolonizing Methodologies in Qualitative Research: Creating Spaces for Transformative Praxis,” *International Journal of Qualitative Methods* 20, no. 1 (May 4, 2021): 1–9, <https://doi.org/10.1177/16094069211014766> (discussing research practices that include “(1) exercising critical reflexivity, (2) reciprocity and respect for self-determination, (3) embracing ‘Other(ed)’ ways of knowing, and (4) embodying a transformative praxis”); Fran Baum, Colin MacDougall, and Danielle Smith, “Participatory Action Research,” *Journal Epidemiol Community Health* 60, no.10 (October 2006): 854–857, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2566051/> (discussing participatory action research in the public health context). But see Eve Tuck and K. Wayne Yang, “Decolonization Is Not a Metaphor,” *Decolonization: Indigeneity, Education and Society* (2012) (noting that critical methods may be important but they are not actual decolonization, which is the process of “bring[ing] about the repatriation of Indigenous land and life” and not a metaphor).

Disrupting bigotry also calls for rejecting violent border policies, restrictive immigration quotas, and any immigration law that targets people—even indirectly—based on characteristics that have been historically subjected to subordination. Alternative immigration frameworks could allow for holistic reviews of all relevant circumstances, rather than imposing categorical bans based on overbroad criteria.<sup>182</sup> There should also be clear paths to legal status.

Broad civic inclusion may also help counteract bigoted paradigms of belonging. This includes the protection and expansion of the right to vote through, among other things: federal voting rights legislation, laws restoring or maintaining voting rights for people with criminal convictions, improved language access in elections (such as multilingual ballots), and federal funding for community-based organizations that are working to register voters and protect voting rights. The federal government should also guarantee meaningful access to courts, including by providing funding for translation services in civil proceedings. As noted by Corrigan and Tyler, civic inclusion also requires deconstructing white Christian nationalism, which promotes notions of white and Christian supremacy.

Belonging also involves physical inclusion. One aspect of inclusion is the accessibility of public spaces with respect to age, size, gender, and ability or disability.<sup>183</sup> Additionally, as noted by Greenesmith, Townsend Riley, and De La Cuadra, physical inclusion can look like “inclusive housing, bathrooms, sport teams and organizations.”<sup>184</sup> As they put it, physical inclusion “is a movement towards liberation.”<sup>185</sup>

#### **d. Divesting from Criminalization and Investing in Communities**

Antibigotry involves interrogating choices about how society defines and responds to harm. An antibigotry process can elevate community-based approaches to safety, poverty, houselessness and justice, rather than relying on carceral responses to these issues. An antibigotry process can also explore ways to redress the damages imposed by policies of criminalization.

<sup>182</sup>See “We Are Home Urges DHS to Adopt New Framework for Immigration Processing,” *We Are Home*, March 2021, <https://www.wearehome.us/news/we-are-home-urges-dhs-to-adopt-new-framework-for-immigration-processing>; Nayna Gupta, “A Chance to Come Home: A Roadmap to Bring Home the Unjustly Deported,” National Immigrant Justice Center, April 2021, [https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2021-04/Chance-to-Come-Home\\_White-Paper\\_NIJC-April2021.pdf](https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2021-04/Chance-to-Come-Home_White-Paper_NIJC-April2021.pdf).

<sup>183</sup>See “Designing with Difference Series, Shifting the Ground—New Ways of Thinking about Design and Disability,” Molonglo, accessed May 4, 2022, <https://molonglo.com/theory/articles/shifting-the-ground-new-ways-of-thinking-about-design-and-disability>; Mia Mingus, “Changing the Framework: Disability Justice,” *Leaving Evidence*, February 12, 2011, <https://leavingevidence.wordpress.com/2011/02/12/changing-the-framework-disability-justice/> (stating that “[a]ccessibility is concrete resistance to the isolation of disabled people” but noting the need to “move beyond access by itself” and “practice an accessibility that moves us closer to justice, not just inclusion or diversity”).

<sup>184</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 143.

<sup>185</sup>Greenesmith, Townsend Riley, and De La Cuadra Contribution at 143.

An antibigotry movement can explore ways to put an end to current systems of policing and punishment, which perpetuate structural bigotry and fail to promote safety or justice, and build more effective and humane systems for repairing harm.<sup>186</sup> As noted by the American Public Health Association, investment in punitive and carceral solutions to social problems is “ineffective and avoidable.”<sup>187</sup> Moving towards abolition of the carceral state may involve the use of “non-reformist reforms—those measures that reduce the power of an oppressive system while illuminating the system’s inability to solve the crises it creates.”<sup>188</sup> Potential areas of divestment from failed policies of criminalization include removing police from schools;<sup>189</sup> developing non-law enforcement resources to respond to mental and other health crises;<sup>190</sup> and ending the use of solitary confinement, the death penalty, the construction of new prisons, and cash bail.<sup>191</sup> Across the country, people are developing “community-based safety strategies that expand our ideas about what keeps us safe.”<sup>192</sup> Many of these strategies engage the concept of transformative justice which, as abolitionist organizer Mariame Kaba has put it, “is about how we respond to violence and harm in a way that doesn’t cause more violence and harm.”<sup>193</sup> Critical research methodologies, such as Participatory Action Research, can be a helpful tool for exploring and expanding these strategies by elevating the expertise of people most impacted by policies of criminalization.<sup>194</sup> Efforts such as these can also be supported through advocacy, narrative, and policy initiatives.<sup>195</sup>

<sup>186</sup>See Greenesmith, Townsend Riley, and De La Cuadra Contribution; Bhatti and Merritt Contribution; Williams Comrie, Landor, Townsend Riley, and Williamson Contribution; see also “Policy Statement 202117,” *American Public Health Association* (noting that “[h]igher incarceration rates have not been shown to increase public safety”); Roberts, “Foreword: Abolition Constitutionalism,” 43-44 (“Because the current carceral system is rooted in the logic of slavery, abolitionists must look to a radically different logic of human relations to guide their activism”).

<sup>187</sup>“Policy Statement 202117,” *American Public Health Association*.

<sup>188</sup>Dan Berger, Mariame Kaba, and David Stein, “What Abolitionists Do,” *Jacobin*, Aug. 24, 2017, <https://www.jacobinmag.com/2017/08/prison-abolition-reform-mass-incarceration/>; see also Mariame Kaba and Rachel Herzing, “Transforming Punishment: What Is Accountability without Punishment?” in *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice*, 132-38 (Chicago: Haymarket Books, 2021) (discussing abolitionist principles for radical reform); Roberts, “Foreword: Abolition Constitutionalism,” 114-20 (discussing non-reformist reforms and strategies for mitigating harms imposed by criminalization).

<sup>189</sup>Philip Palmer, “LAUSD Program Helping Black Students Achieve Personal, Academic Goals,” *abc7*, <https://abc7.com/lausd-black-students-student-achievement-plan-education/11402389/> (noting that after the Los Angeles Unified School District cut its police budget by \$25 million and redirected the funds to a student support program, initial data showed that “suspension rates have decreased while proficient levels are up in English and math. And there’s an increase across the district in the number of students on track in college preparatory classes”).

<sup>190</sup>See “Alternatives to Policing Services,” *Defund the Police*, <https://defundthepolice.org/alternatives-to-police-services/> (accessed April 9, 2022) (discussing alternatives to policing, including community emergency services); Purnell, “Police Violence Is a Disability Justice Issue,” (noting that “[w]hile these programs can be a step toward reducing our reliance on police, they are not necessarily abolitionist”).

<sup>191</sup>Berger, Kaba, and Stein, “What Abolitionists Do.”

<sup>192</sup>See “One Million Experiments,” Project NIA and Interrupting Criminalization, accessed May 4, 2022, <https://millionexperiments.com/> (an online repository of community-based safety projects); Ritchie and Richie, “The Crisis of Criminalization,” 27 (noting that it is “critical for funders to invest in groups envisioning, practicing and piloting responses to violence – including gang violence, domestic violence and sexual assault, and violence against trans women—that don’t further criminalization” and listing examples).

<sup>193</sup>“Mariame Kaba Interview by Ayana Young, Moving Past Punishment,” in *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice* (Chicago: Haymarket Books, 2021), 149.

<sup>194</sup>See Ritchie and Kaba, “Interrupting Criminalization” (describing a project that “[c]ombin[es] participatory research, data analysis, and systemic advocacy . . . to address the growing criminalization and incarceration of women and LGBTQ people of color for public order, survival, drug, child welfare and self-defense related offenses”); Grace Gámez, “The Barrio Centro Community Safety Participatory Research Project Report,” *Flowers & Bullets Collective* (2021), <https://afscarizona.org/wp-content/uploads/2021/10/Barrio-Centro-Report.pdf>.

<sup>195</sup>See Mariame Kaba, *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice* (Chicago: Haymarket Books, 2021), 132-38 (a series of essays and interviews regarding abolitionist organizing principles and strategies); Roberts, “Foreword: Abolition Constitutionalism,” 110 (proposing the use of “abolition constitutionalism,” which involves “instrumentally using the Constitution to build a society based on principles of freedom, equal humanity, and democracy—a society that has no need for prisons”).

An antibigotry movement can also explore statutory avenues for decriminalization and decarceration. Congress and state legislatures should interrogate the supposed public safety benefits of criminal laws and legalize conduct that is selectively policed and punished without any demonstrated benefit to communities. For example, some initial areas of legalization may include laws that criminalize poverty (e.g. vagrancy, loitering, jaywalking, food-sharing),<sup>196</sup> technical parole violations,<sup>197</sup> migration,<sup>198</sup> and substance use or possession.<sup>199</sup> Similarly, decarceration is necessary to address harms imposed by criminalization. Mechanisms of decarceration may include retroactive amendments to sentencing statutes and guidelines,<sup>200</sup> and the exercise of executive clemency powers—including through categorical relief.<sup>201</sup> Additionally, Congress and state legislatures could pass “second look” laws that allow incarcerated people to seek early termination through judicial review of their sentences,<sup>202</sup> and parole could be reinstated at the federal level and in states where that possibility has been foreclosed.<sup>203</sup>

<sup>196</sup>Bill Mahoney, “Legislature Votes to Repeal Law against Loitering for Purpose of Prostitution,” *Politico*, February 4, 2021, <https://www.politico.com/news/2021/02/04/legislature-votes-to-repeal-law-against-loitering-for-purpose-of-prostitution-465849>; “Share No More: the Criminalization of Efforts to Feed People in Need,” 24.

<sup>197</sup>“The Enormous Cost of Parole Violations in New York,” *Columbia University Justice Lab*, March 11, 2021, <https://justicelab.columbia.edu/cost-of-ny-parole-violations>.

<sup>198</sup>Erfani and Altman, “Comment, Recommendations To Support the Work of the Interagency Task Force on the Reunification of Families,” 3 (noting that migration-related prosecutions originated “during the height of the eugenics movement to further racist and white supremacist ideology” and “continue to have a starkly discriminatory impact on individuals with Hispanic or Latinx origin” including through family separations and interference with asylum claims).

<sup>199</sup>See “Drug Decriminalization,” *Drug Policy Alliance*, accessed May 4, 2022, <https://drugpolicy.org/issues/drug-decriminalization>.

<sup>200</sup>“Retroactivity & Recidivism, The Drugs Minus Two Amendment,” *U.S. Sentencing Commission*, July 2020, [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200708\\_Recidivism-Drugs-Minus-Two.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200708_Recidivism-Drugs-Minus-Two.pdf) (discussing sentence reductions for certain drug offenses and finding there was no statistically significant difference in the recidivism rate of people released early versus those who served their full sentences).

<sup>201</sup>“ACLU Redemption Campaign,” *ACLU News and Commentary*, accessed May 4, 2022, <https://www.aclu.org/news/topic/the-redemption-campaign-embracing-clemency> (calling for categorical clemency for: (1) people who, if convicted under current laws, would serve a lesser sentence than what they are serving; (2) people convicted of drug distribution and possession offenses; (3) people incarcerated for technical probation or parole violations; and (4) older incarcerated people); Rachel E. Barkow and Mark Osler, “We Know How to Fix the Clemency Process. So Why Don’t We?,” *N.Y. Times*, July 13, 2021, <https://www.nytimes.com/2021/07/13/opinion/biden-clemency-justice-dept.html> (noting that clemency has historically been a “lottery” and that the federal clemency review process be moved out of the Department of Justice and instead handled by a review board that includes formerly incarcerated people).

<sup>202</sup>See, e.g., JaneAnne Murray et al., “Second Look=Second Chance: Turning the Tide through NACDL’s Model Legislation,” *National Association of Criminal Defense Lawyers (NACDL)*, 2021, <https://www.nacdl.org/getattachment/c0269ccf-831b-4266-bbaf-76679aa83589/second-look-second-chance-turning-the-tide-through-nacdl-s-model-second-look-legislation.pdf>.

<sup>203</sup>*United States v. Portillo*, 981 F.3d 181, 187 (2d Cir. 2020) (stating that a nineteen-year-old’s fifty-five-year sentence “illustrate[d] the unfortunate consequences of eliminating parole” at the federal level).

Finally, an antibigotry movement can explore ways to divert the resources that have been devoted to criminalization toward preventive solutions, such as “stable and supportive housing, affordable high-quality education starting in early childhood, well-paying employment, culturally responsive youth programs, and affordable and accessible health care.”<sup>204</sup> Reorienting socio-legal responses to harm can help to disrupt processes of criminalization.

### e. Economic Justice

A future grounded in antibigotry is one where there is economic justice for all. The contributions to this report propose several ways to intervene in bigoted economic exploitation, including expanding workplace protections, closing wage gaps, and building a more robust social safety net.

Federal workplace laws should be expanded to include all workers. An antibigotry movement may consider ways to remove bigotry-based carve outs that exclude positions historically held by Black women and immigrants from labor protections, as highlighted by Lewis and Tabacco Mar.<sup>205</sup> In addition to amending federal labor laws, antibigotry advocacy could include state-level strategies to expand workplace protection laws and the availability of workers’ compensation, disability, and unemployment insurance.

Antibigotry also involves undoing the systematic economic exploitation of low-wage workers and the undercompensation of people targeted by bigotry. One strategy for doing so is providing a Universal Basic Income and Federal Jobs Guarantee, as suggested by Bhatti and Merritt.<sup>206</sup> Programs such as these could raise wages of existing jobs and create new jobs, thereby reducing bigoted wage gaps. Bhatti and Merritt also note that the availability of free and universal public services—including education, healthcare, housing, childcare, eldercare, transit, utilities, and broadband internet—would reduce bigotry-based exploitation and exclusion.<sup>207</sup> The expansion of Social Security and Medicare to pay more and be available to more people can further address economic precarity across and at the intersections of multiple categories of bigotry.<sup>208</sup> These programs could be funded by progressive taxation of millionaires and billionaires who have profited—and continue to profit—most from racial capitalism and social inequity.<sup>209</sup>

<sup>204</sup>Bhatti and Merritt Contribution at 136.

<sup>205</sup>Lewis and Tabacco Mar Contribution at 182-83.

<sup>206</sup>Bhatti and Merritt Contribution at 136-37; see also Randall Akee, Sharing the Wealth, Native Science Report, *Native Science Report*, November 2019, <https://nativesciencereport.org/2019/11/sharing-the-wealth/> (noting that studying tribal per capita programs could inform predictions of a Universal Basic Income program’s impact).

<sup>207</sup>Bhatti and Merritt Contribution at 136.

<sup>208</sup>Bhatti and Merritt Contribution at 136-37.

<sup>209</sup>Bhatti and Merritt Contribution at 137.

## f. Reproductive Justice and Respect for Family Unity

Antibigotry involves repairing harms imposed by family separations and reproductive controls, and promoting respect for family unity and reproductive justice. To start, the U.S. government should bear responsibility for reunifying families that have been torn apart by separations and providing reparations to people who have been harmed by family separations and forced sterilizations. In January of 2022, the Canadian government agreed to a \$31.5 billion settlement that included funding “to fix the nation’s discriminatory child welfare system and compensate the Indigenous people harmed by it.”<sup>210</sup> An antibigotry movement should explore efforts to acknowledge and address the long history of bigoted reproductive and family controls in the U.S., including anti-Indigenous boarding schools, slavery, immigration enforcement mechanisms, and the criminal and child welfare systems.<sup>211</sup>

Antibigotry means standing in solidarity against child welfare policies that separate children from their parents based on bigoted notions of parental fitness, and heteronormative ideas about family. This includes redefining parental fitness in ways that do not punish parents for lack of resources or draw on stereotypes. Federal, state, and local resources should be dedicated to providing families what they need to stay unified, healthy, and safe. This may include guaranteed income payments to families facing poverty; improved access to affordable childcare, housing, and food; and increased support for non-parental kin who can serve as caregivers.<sup>212</sup>

Moreover, family separation should never be used as a means of immigration enforcement or deterrence.<sup>213</sup> Family unity should be prioritized throughout the immigration system, both at the border and in interior civil immigration enforcement actions. This should include protecting parents and caregivers from detention or removal.<sup>214</sup>

<sup>210</sup>Catherine Porter and Vjosa Isai, “Canada Pledges \$31.5 Billion to Settle Fight over Indigenous Child Welfare System,” *N.Y. Times*, January 4, 2022, <https://www.nytimes.com/2022/01/04/world/canada/canada-indigenous-children-settlement.html>.

<sup>211</sup>Dow Contribution at 96 (discussing the need to locate and return the remains of Indigenous children who were murdered in boarding schools); Jonathan Blitzer, “Why Biden Refused to Pay Restitution to Families Separated at the Border,” *New Yorker*, December 22, 2021, <https://www.newyorker.com/news/news-desk/why-biden-refused-to-pay-restitution-to-families-separated-at-the-border> (discussing efforts to seek restitution for families torn apart by the 2018 Zero Tolerance policy).

<sup>212</sup>See, e.g., Krista Thomas and Charlotte Halbert, “Transforming Child Welfare: Prioritizing Prevention, Racial Equity, and Advancing Child and Family Well-Being,” *National Council on Family Relations*, April 5, 2021, 4-5, [https://www.ncfr.org/system/files/2021-04/Transforming\\_Child\\_Welfare\\_Brief\\_w\\_ExSum\\_0421.pdf](https://www.ncfr.org/system/files/2021-04/Transforming_Child_Welfare_Brief_w_ExSum_0421.pdf); Andy Newman, “How \$1,000 a Month in Guaranteed Income Is Helping N.Y.C. Mothers,” *N.Y. Times*, January 18, 2022, <https://www.nytimes.com/2022/01/18/nyregion/guaranteed-income-nyc-bridge-project.html?referringSource=articleShare>.

<sup>213</sup>Erfani and Altman, “Comment, Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families,” 6.

<sup>214</sup>Erfani and Altman, “Comment, Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families,” 16.

Finally, standing against bigotry means abolishing laws that obstruct reproductive freedom, and affirming the basic human right to reproductive autonomy.<sup>215</sup>

### **g. Acknowledgment and Accountability**

Antibigotry involves acknowledgment and memorialization of the many ways that bigotry has produced violence, as well as a broad restructuring of power and resources.

There are powerful examples of efforts to acknowledge and memorialize the long history of racialized violence in the U.S., and an antibigotry movement can build on this foundation to acknowledge all forms of bigotry. The Equal Justice Initiative's (EJI) Memorial for Peace and Justice exemplifies the kinds of historical and narrative projects that can help illuminate how bigotry has manifested through violence, and create space for community dialogue.<sup>216</sup> EJI's memorial "was conceived with the hope of creating a sober, meaningful site where people can gather and reflect on America's history of racial inequality" and includes a Community Remembrance Project, which encourages "communities across the nation to enter an era of truth-telling about racial injustice and their own local histories."<sup>217</sup> These kinds of efforts should be explored across other categories of bigotry as well.

Antibigotry also involves rejecting media representations and symbols that draw on invidious historical stereotypes. For example, we must abolish anti-Indigenous mascots and team names, which not only perpetuate myths of Indigenous erasure, but do so for profit.<sup>218</sup> State legislatures can take action to prohibit the use of bigoted mascots in public schools.<sup>219</sup> Professional sports leagues and franchise owners should also make these changes, and sponsors, financial investors, and fans should boycott teams that use bigoted mascots until they stop. Similar tactics can be employed to reject all bigoted symbols.

Antibigotry also requires accountability for past harms, which includes material compensation. Recent scholarship has highlighted the possibility of "constructive reparations," which call for a redistribution of power and resources in a way that takes into account the harms imposed by colonialism and racial capitalism.<sup>220</sup> The question posed by constructive reparations is, "are we going to build a better world, and if so, who should chip in what?"<sup>221</sup> This may be a helpful orientation for a unified antibigotry movement.

<sup>215</sup>Lewis and Tabacco Mar Contribution at 183 (calling for "making abortion care accessible and affordable for all by ending restrictions on Medicaid funding for abortion, [and] enacting a federal bulwark against state bans on reproductive healthcare"); Greenesmith, Townsend Riley, and De La Cuadra Contribution at 141 ("[A]bortion narratives continue to neglect the reality that queer and trans people also get pregnant and need to access abortion care.").

<sup>216</sup>"Community Remembrance Project, National Memorial for Peace and Justice," *Equal Justice Initiative*, accessed May 4, 2022, <https://museumandmemorial.eji.org/memorial>; "Community Remembrance Project, "Equal Justice Initiative, accessed May 4, 2022, <https://eji.org/projects/community-remembrance-project/>.

<sup>217</sup>"Community Remembrance Project," *Equal Justice Initiative*.

<sup>218</sup>Mays, *Afro-Indigenous History of the United States*, 155 ("Corporations, catering to their largely white audiences, earn money by dehumanizing Indigenous peoples.").

<sup>219</sup>"Mascots-State Activity Tracker," *National Congress of American Indians*, <https://ncai.org/Ending.Indian.Mascots.Initiative.State.Activity.Tracker.pdf> (last updated March 3, 2022).

<sup>220</sup>Olúfémi O. Táíwò, "How to Repair the Planet," interview by William P. Jones, *Dissent*, February 4, 2022, [https://www.dissentmagazine.org/online\\_articles/how-to-repair-the-planet?utm](https://www.dissentmagazine.org/online_articles/how-to-repair-the-planet?utm).

<sup>221</sup>Táíwò, "How to Repair the Planet."



## Conclusion

Through this Antibigotry Convening project, we have explored structural aspects of bigotry, and considered the ways that seemingly unrelated individual expressions of bigotry intersect and interact to perpetuate widespread social inequity. The Antibigotry Fellows' contributions illustrate several common structural manifestations of bigotry, which suggest potential points of solidarity. We hope this report can serve as a resource for advocates, community members, scholars, policymakers and all who seek an equitable world in which we are all safe, healthy, joyful, and free.