



Our Dis-Ease With Race

by Eva Paterson

We are currently involved in a controversy about whether or not foundations should be required to collect data on the race or ethnicity of its grantees. This topic brings to mind Black Power advocate Eldridge Cleaver's famous

admonition that you are either part of the problem or part of the solution. Philanthropy has played both roles.

When one looks at this more closely, the controversy is yet another manifestation of the dis-ease we have with dealing forthrightly with race. It would be safer to duck this issue and to lie low until it blows over, but we at the Equal Justice Society (EJS) after anguished discussion decided we must speak.

Foundations have provided critical support in the advancement of racial justice. In 1922, Charles Garland, a 21-year old Harvard undergrad, established the Garland Fund. One of Garland's goals was to improve the schools that Black children attended. I recently read a moving essay by Alice Walker who describes walking past White schools on her way to underfunded and dilapidated Black schools in Georgia. The brilliance of Black teachers in these segregated schools is legendary in spite of being hobbled by outdated books and few resources. Charles Hamilton Houston, Thurgood Marshall, Jack Greenberg, Constance Baker Motley and other attorneys looked for a strategy that would result in a better education for Black kids. The Garland Fund supported the development of the three-decade strategy that culminated in *Brown v Board of Education*. James Weldon Johnson, Roger Baldwin and Norman Thomas administered the board.

Since that time, foundations and individuals have awarded funds that help other racial justice advocates. The work of the EJS could not move forward without such generosity. We model ourselves on the work of the thinkers and strategists at the Howard University Law School and the NAACP who took on the misguided legal standard, "separate but equal." We grapple with how racial inequality manifests itself in the 21st century. Several insights we have gained shed light on the current controversy. Many of us in the racial justice struggle have fought with Ward Connerly who tried unsuccessfully to ban the collection of racial data in the state of California. We knew that without data, we would not be able to determine if, for example, an employer was hiring people of color. Since most

Americans feel they are free of any overt bias, they do not believe that their hiring practices, etc. would exclude anyone on the basis of their race, ethnicity or country of origin. We are certain that foundations do not intend to exclude people of color from receiving grants. The reality however is that many decisions that appear to be race neutral often adversely impact people of color. The only way one can really be sure is to collect data.

Let me make this more personal. I worked at the San Francisco Lawyers' Committee for Civil Rights for eight years and was the only person of color hired there from 1977-1985. When I asked why, I was told that no "qualified" people of color had applied. The only solution was to implement an affirmative action program that included collecting data on the race and ethnicity of employees. In 1990, I became the committee's executive director and assumed that all would be well because of my heightened sensitivity. A few years later, I was looking at our statistics and noticed to my horror that there were no Latino professionals employed. I was quite embarrassed and remedied the situation as soon as I was able. My point is that I considered myself free from racial bias yet I had not noticed this problem.

I would imagine if foundations looked at the race of its grantees, they would find similar omissions that were not maliciously motivated, that were not intentional. EJS is working mightily to dismantle the intent doctrine currently employed in constitutional litigation. Our rationale is applicable to the case at hand. While few of us intend to exclude people of color, we often do so anyway. We believe that it is the consequences of decisions informed by unconscious biases that are relevant, not the intent. One way to determine the consequences of one's actions is to look at statistical data.

The proposal that foundations collect this data is grounded in how racial inequality operates in 2008. Few of us intend to exclude but many of us do. Looking at such data would help shed light and get more philanthropic resources to nonprofit leaders of color serving communities of color, an admirable goal.

Foundations should not feel threatened by collecting data.

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