

## Chapter 8

# Racism and Social Justice



Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects me directly, affects all indirectly.

Martin Luther King, 16, April 1963 *Letter from a Birmingham Jail*

Racism and social justice are inextricably linked in the U.S. Both are social constructions embedded in the development and function of this country. Yet, both also illuminate moral and legal inconsistencies in the development of the country's social structures and institutions. For example, the first ten amendments of the United States Constitution—the *Bill of Rights* (December 15, 1791)—spell out the various freedoms of the citizenry of the country. These include freedom of speech, religion, assembly, press, and so forth. However, at the time that these “Rights” were ratified, it was understood that they applied to only a segment of the total population. That is, they were granted to those of European ancestry, particularly White Anglo-Saxon Protestants, and did not extend to persons viewed as “other.” Thus, the four core groups focused on in this book: First Nation Peoples, Africans, Mexicans, and Chinese, were not granted these rights. In fact, as social structures and institutions were developed in this new country, members of these four core groups were viewed as subordinate and “other” and laws and practices were instituted to maintain their status as subordinate and “alien.” These societal structures and practices were based on racial ideology and this laid the foundation for broad institutionalized racism directed at all non-white groups in the United States. The differential treatment of those with privilege and rights and those viewed as “other” became manifest through racial scaffolding that supported and strengthened oppression by means of exploitation, marginalization, powerlessness, cultural imperialism, and violence. This scaffolding promoted the construction of systems and structures that benefited whites and that still persist in contemporary times. In sum, the United States established a society which was morally and socially fair for whites, but this fairness was not extended to persons of color.

Movement toward justice requires challenge to the status quo by those who are oppressed. The authors' standpoint, consistent with Martin Luther King's quote at the beginning of this chapter, is that dominant and subordinate groups have a critical

role to play in dismantling systemic racial scaffolding and in visioning a more socially just future. We recognize that social inequalities are driven by race. Thus, although the United States has seen some movement toward equal justice for all (e.g., treaties, abolitionist movement, the Civil War, The Civil Rights movement, American Indian Movement), this forward movement has always been impeded by the entrenched racial scaffolding that supports maintenance of the status quo (e.g., broken treaties, Jim Crow laws, Chinese immigration laws). As change toward justice occurs, it always is met with counter-resistance. Throughout history it can be seen that those who hold the power in a society do not freely relinquish their power—they resist. Thus, although amelioration of the racialized U.S. society has been occurring gradually for over 450 years, racial social parity is still elusive—the scaffolding remains in place. It morphs and adapts to the societal changes that occur.

## Social Justice Defined

Social justice is a societal value based on the concepts of human rights and egalitarianism. From antiquity to contemporary times, elements of social justice have been part of the philosophical and religious discourse (e.g., Plato, Aristotle, Kant, Rawls). For example, according to Bhandari (1998), justice is, for Plato:

at once a part of human virtue and the bond which joins man together in society. ... Justice is an order and duty of the parts of the soul, it is to the soul as health is to the body. ... Justice is not the right of the stronger but the effective harmony of the whole. All moral conceptions revolve about the good of the whole—individual as well as social. (p. 4)

Luigi Taparelli, a Jesuit priest, is credited with the origination of the term *social justice* in the 1840s (Burke, 2010). Since the time of the 1848 Italian revolutions, the term has been used to underscore the need for fair and just thought and action. In more recent times, John Rawls (2001) has scrutinized and studied the theoretical and philosophical beliefs about justice. His seminal work, *A Theory of Justice* (1971), elucidates a comprehensive conception of justice as fairness, which encapsulates what is considered important in human life, as well as the principles of personal virtue and character. The evolution in Rawls' thinking led to the distinction between (1) a comprehensive moral theory that addresses problems of justice and (2) the political conception of justice that is independent of any comprehensive theory (Vaggalis, 2017). The moral theory addresses the fairness of justice (equal fundamental freedoms and privileges) envisioned in a democratic society; and, the political conception analyzes justice from a political standpoint (e.g., respect for freedom of speech and assembly). This clarification in thinking was the substance of his second book *Political Liberalism* (see Rawls, 2005). He continued, in the twilight of his years, to refine his thinking on the concept of fairness and justice.

Social justice is essential for offsetting the various tangible and intangible systems that impact and influence our lives. Bell (1997) offers a contemporary vision of a just society. She states, “it is one in which the distribution of resources is equi-

table and all members of society [including the four core groups] are physically and psychologically safe and secure” (p. 3). The authors envision a society in which individuals are self-determining (able to develop their full capabilities) and interdependent (capable of interacting democratically with others).

## Human Rights Perspective

Human rights are an overarching principle of social justice that provide a context for understanding specific types and manifestations of social justice. A human rights perspective provides an organizing framework for understanding how justice and injustice are conceptualized internationally and helps to focus our examination of social justice issues in the United States. From the perspective of human rights, social justice encompasses fulfillment of basic human needs and equitable sharing of material resources (United Nations, 1992, p. 16). Human rights are seen as essential in our nature and without them we could not live as human beings because they are integral to a life with dignity and respect. Basic rights include the protection of freedom, certainty of social justice, and assurance of social and international order needed to realize our rights and freedoms.

Since 1948, the United Nations has established a number of policies that support global and local human rights of peoples who have suffered various forms of oppression (Chang-Muy, 2009). Focus on these groups began with the International Declaration of Human Rights (adopted 1948) and continued with the Convention on the Elimination of all Forms of Racial Discrimination (adopted 1965), the International Covenant on Economic Social and Cultural Rights (adopted 1966), the International Covenant on Civil and Political Rights (adopted 1966), the Convention on all Forms of Discrimination Against Women (adopted 1979), and the Convention on the Rights of the Child (adopted 1989). The evolution of these policies illustrates the social construction of attention to social injustice for varied groups or populations internationally and in the United States. These policies are nonbinding. However, they contribute to the external pressure and discourse for social change initiatives, thereby influencing societal interpretations of equality.

Racism in the U.S. has been internationally recognized as a pervasive human rights violation. In 2016, a United Nations’ affiliated group based in Geneva, Switzerland, argued that the history of slavery in the United States justifies reparations for African Americans. The panel’s recommendations, which are nonbinding, were made after a fact-finding mission in the United States in January 2016. The group of experts, which included leading human rights lawyers from around the world, presented its findings to the United Nations Human Rights Council, underscoring the persistent link between current injustices and the dark chapters of American history. Citing the prior year’s incidents of police officers killing unarmed African American men, the panel warned against “impunity for state violence,” which has created, in its words, a “human rights crisis” that “must be addressed as

a matter of urgency” (Tharoor, 2016, np). Tharoor wrote the following account of this meeting:

In particular, the legacy of colonial history, enslavement, racial subordination and segregation, racial terrorism and racial inequality in the United States remains a serious challenge, as there has been no real commitment to reparations and to truth and reconciliation for people of African descent, the report stated. Contemporary police killings and the trauma that they create are reminiscent of the past racial terror of lynching. (2016, np).

Racism continues to be an enduring contradiction within the United States that the international community and the United Nations deem unjust. The high prevalence of violence against black males is being increasingly reported in the press. In December 2015, Kindy, Fisher, Tate, and Jenkins stated the following in a Washington Post article:

Race remains the most volatile flash point in any accounting of police shootings. Although Black men make up only 6% of the U.S. population, they account for the 40% of unarmed men shot to death by police this year. (2015, np)

Consistent with this article, Wesley Lowery (2016) reported that an academic study found that police fatally shoot unarmed black males at disproportionate rates.

## **Social Justice and Racial Disparity**

Social justice is an ideal condition in which all members of society have the same basic rights, protections, opportunities, obligations, and social benefits. Racism infiltrates all justice perspectives meting out injustice in the face of justice. The social construction of racism is based on the lack of fair treatment of the “other”—any person that is not white. For the purposes of this book, we focus on social justice as conceptualized by Jost and Kay (2010) who address prescriptive notions of social justice components. Their focus on social justice is particularly relevant for understanding racial disparities that result from systemic racism in the United States. Jost and Kay provide a comprehensive definition of social justice as a state of affairs that is comprised of three components: distributive, procedural, and interactional justice.

### ***Distributive Justice***

*Distributive justice* addresses how societal benefits and encumbrances are meted out vis-à-vis an approximate allocation principle or a lack of principle. This form of social justice was illustrated in great detail in Chap. 6. It has to do with the fair allocation of goods and services, as well as the distribution of opportunities, power, and respected social statuses in the society. Some of the policies and programs aimed at ensuring distributive justice include social security, the minimum wage,

affirmative action, free public education, and buildings designed for universal access. The principle of “separate but equal” was a social strategy that had the appearance of supporting distributive justice, but actually thwarted social justice because resources were not distributed equally to white schools and to Negro schools. As we already have discussed, whites have a privileged status in the U.S. and this promotes distributive injustice as evidenced by ongoing racial disparities. Thus, the U.S. continues to be a country in which the average white person is perpetually better off than the average person of color in terms of income, wealth, housing, education, employment, and health.

### ***Procedural Justice***

*Procedural justice* has to do with fairness in how people in the society resolve differences, conflicts, and grievances. It consists of rules, processes, and norms that regulate governmental as well as other forms of policymaking that preserve the fundamental rights, liberties, and entitlements of people—individually or collectively. In other words, it is about whether the same rules, procedures, and standards are applied fairly regardless of a person’s station in life and particularly, based on the focus of this book—race. The most obvious violations of the principles of procedural justice occur in the criminal justice system. There is considerable evidence that whites and persons of color are treated differently in terms of apprehensions, arrests, bookings, charges brought, and sentencing (see Alexander, 2012; The Sentencing Project, 2013). Because of the inequities in procedural justice, it is common knowledge that communities of color have to develop behavioral norms that are protective against such violations. For example, it is common in black families that young black males are taught by their elders that when stopped by a law enforcement official to not make any quick movements, to keep their hands visible and away from their body, and always to speak in a polite and respectful manner.

### ***Interactional Justice***

*Interactional justice* relates to the fair, humane, dignified, and respectful treatment of people by authorities and other pertinent societal players, as well as the common man. It has to do with the everyday lived experiences between people in society. Interactional *injustice* with respect to race occurs when racial slurs and overtly racist behavior are directed at persons of color. It also occurs in more subtle ways such as slights, coded language, and micro-aggressions. Violations of interactional justice are what can lead persons of color to self-segregate in overwhelmingly white formal and informal organizations and groups or to avoid them entirely. There is some evidence that this type of injustice can lead to high turnover in some employment settings (Muzumdar, 2012).

In summary, these three types of justice are supported by a complex system of laws, common practices, and social structures that have evolved over time and that limit the extent to which persons of color experience freedom and equity in the United States. Since the dawn of this nation, power and resources have overwhelmingly remained in the hands of whites. First Nation Peoples were used as exploited allies or were enslaved in the founding of the U.S. Africans were brought to America as slaves, Mexican lands were invaded and traded, and Chinese were used as cheap labor. Although the systems supporting injustice evolved over time, the distribution of power has always been skewed to benefit those of European ancestry. This skewed distribution between Europeans and the core groups has served continuously to marginalize and oppress all people of color. Despite the apparent progress toward greater social justice as a result of the *Emancipation Proclamation*, justice continued to elude the core groups after the Civil War. Injustice was solidified in the *Plessy vs. Ferguson* (1896) decision which upheld state racial segregation laws under the doctrine of “separate but equal.” This decision gave rise to Jim Crow laws that defined *distributive*, *procedural*, and *interactional* norms that galvanized injustice rather than justice. This inflexible system of laws that thwarted justice was kept in place until the *Brown vs. Board of Education* (1954) decision provided an entre to greater justice. *Brown vs. Board* was the antecedent to the civil rights movement, and other activist initiatives as well as laws toward justice, e.g., the voting rights laws; the women’s, the American Indian, and the LGBTQ movements; Japanese reparations; and Title IX. This combination of events in history represents how the three forms of justice work together and are continually constrained by elements of the racial scaffolding in the United States.

Distributive, procedural, and interactional injustice are evident in the rungs and poles of the scaffolding (see Fig. 1.1) that hold the U.S. systems in place. The poles maintain racial inequities in the society. The poles—cultural imperialism, marginalization, powerlessness, exploitation, and violence—are specifically directed at maintaining racial inequality. The rungs of the scaffolding are elements of society aimed indirectly at supporting racial inequality, and act as a catalyst in the institutionalization of racism. These rungs—colonialism, capitalism, class structure, legal structures, distribution of privileges and benefits, and intellectual thought and scientific theories—incorporate the norms and practices that are entrenched in the society at large.

## **Core Groups Related to Recent Immigrants**

### ***Core Groups and Social Justice***

Entrenched racism in the U.S. impacts the four core groups—First Nation Peoples, Africans, Mexicans, and Chinese—because of the uneven application of social justice. All three forms of social injustice—distributive, procedural, and interactional—drive the inequalities and disadvantages experienced by these racial groups relative to whites.

Poverty provides a profound example of distributive injustice that illuminates the enduring consequences of systemic racism interacting with factors influencing scaffolding. As we have described in detail in Chap. 6, persons of color are more likely than whites to live in poverty. While 11.6% of White Americans live in poverty, 25.8% of black Americans, 23.2% of Latino Americans, and 27% of Indigenous/First Nation people and Alaska Natives live in poverty (Macartney, Bishaw, & Fontenot, 2013). Chinese, however, have a different pattern of poverty. Among the Chinese, the high rate of poverty is within the subgroup of Chinese who are immigrants. Chinese immigrants, on average, tend to have higher incomes compared to the total foreign-born population and compared to the native-born population. However, using average income to compare Chinese with other groups masks the fact that there is a 19% rate of poverty among Chinese immigrants which is comparable to the poverty rate for all immigrants and slightly higher than the 15% poverty rate in the native-born population (U.S. Census Bureau, 2013).

Members of the Core groups are more likely to live in areas of concentrated poverty. Such concentration exacerbates the effects of poverty and limits their opportunities to improve their financial circumstances. However, the Chinese differ from the other core groups in part because of their success in carving out a special place in the urban economy such that they control local businesses that are reinforced by discrimination and other segregating forces. For Chinese immigrants, these segregated communities provide the economic and cultural stability that serve as a springboard to upward mobility. Although the other core groups also have made similar efforts to establish economic self-sufficiency, they have been met with much stronger resistance from components of the racial scaffolding. For example, at various points in the past, blacks have developed thriving local economies, but these communities were eradicated through targeted violence by whites (see for example the Oklahoma Commission, 2001). Similarly, the thriving communities of First Nation Peoples were eradicated by white colonists through violence and massacres.

From this country's inception, there have been laws and institutions designed to establish procedural justice. However, their application has been uneven with respect to race with the result that whites maintain privileged status while others are marginalized. Procedural and interactional injustice supported by racial scaffolding is exemplified in the case of Wen Ho Lee.

The New York Times published an article alleging that Wen Ho Lee was a spy at Los Alamos National Laboratory and had given U.S. nuclear secrets to China (Risen & Gerth, 1999). According to many press accounts the story reverberated on Capitol Hill, where Republican leaders focused on blaming the Clinton administration for ignoring a new cold war. The unnamed spy was described as "Chinese-American" and later identified as Wen Ho Lee. During the months that followed, no charges were brought. Agents from the FBI descended on Los Alamos, New Mexico, to prove what had become accepted fact among members of Congress and the public; that Wen Ho Lee had betrayed the country of which he was a naturalized citizen. Ultimately, he lost his job at Los Alamos and spent nearly a year in jail as a result of the government's suspicions, 58 of 59 felony charges against Lee were eventually dropped and he was released. The amount of personal and professional damage he endured as a result of the false allegations highlights the vulnerability that Chinese face as a result of this country's extreme fear and bias that remains toward this core group.



This case summary leads to another discussion of Lee. The following excerpt from an article in the Washington Post (Farhi, 2006) further illustrates how scaffolding and injustice intersect to maintain the status quo. When violations of justice in the form of systemic racism were made visible, the institutional systems used remunerations to protect themselves from complete disclosure and to hide the breaches of justice. Thus, the systems closed rank and scaffolding structures operated to preserve the status quo.

Wen Ho Lee, the U.S. nuclear scientist once identified in news reports as the target of a spying investigation, will receive more than \$1.6 million from the federal government and five media organizations, including The Washington Post, to settle allegations that government leaks violated his privacy...The United States will pay Lee \$895,000 to drop his lawsuit, filed in 1999, which alleged that officials in the Clinton administration had disclosed to the news media that he was under investigation for spying for China while working at the Los Alamos National Laboratory in New Mexico. In addition, the news organizations agreed to pay Lee \$750,000. The major media, which included The Post, the New York Times, the Los Angeles Times, ABC News and the Associated Press, had been sued by Lee and none of their reporting was directly challenged. But all five agreed to the payment out of concern that their reporters would have to give Lee the names of their government sources, as courts had ordered (*n.p.*).

Members of all the core groups report experiencing interactional injustice in their daily lives. Due to the perception that Chinese persons are viewed as the model minority, their experiences with discrimination are not always reported in the media. Findings from a Pew (2012) research survey of Chinese Americans illuminate this group's experience of interactional injustice. This survey of Asian Americans asked questions about discrimination against their country of origin group (such as Chinese American, Filipino American, and so forth) as well as questions about personal experience with discrimination. Sixteen percent of Chinese American respondents said that discrimination against their country of origin group was a major problem, 48% said it was a minor problem, and 24% said discrimination was not a problem (Pew, 2012). Helen Zia, a Chinese American civil rights activist, states that suspicions of her community go beyond disloyalty. "From the beginnings of Chinese people being in the United States (in the nineteenth century), they were perceived as alien invaders that were here to take away everything we love about America" (Lipin, 2014).

## ***Immigration***

Race also is an important factor in the extent to which immigrants experience social injustice in the U.S. When new immigrants come into the country, they find themselves entering a nation that has an entrenched system of institutionalized scaffolding based on the social construction of race and the relative privilege of whites. As a result, new arrivals are assigned to various racial categories, as defined in U.S. society, and they find themselves treated in accordance with those designations. They, in turn, are forced to adapt to these assigned identities as they adjust to a new



country and become part of the U.S. population. Immigrants assigned to one of the core groups (First Nation/Indigenous Peoples, African, Mexican, and Chinese) become linked to histories that then are used to target them systemically and individually. Because of their racialized status and the scaffolding that supports entrenched racism in the United States, they are unable to escape from being the targets of oppression. The biological differences that exist between people of different racial groups, are less important than differences that are socially constructed. These socially constructed differences produce and perpetuate the unequal distribution of power and privilege. Viewing the processes in our own society that produce the social dimensions of racial difference underscores the way our society grapples with how to distribute wealth, power, and opportunities (Hamilton-Mason, 2001).

Procedural and interactional injustice experienced by the four core groups also extends to additional groups who are perceived as “other.” For example, the intensified surveillance that followed 9/11 subjected individuals of Muslim descent to extreme scrutiny. Individuals who considered themselves to be upstanding citizens feared that making donations to their local mosque or that being singled out in an airport security line would cause them to be labeled as members of the Taliban or Al Qaeda (Benjamin, 2010). Across the United States, for Muslims who lived through 9/11, it became a top priority to establish their identity and be recognized as separate from terrorist extremists. In Pakistani and other South Asian communities in New York City, such as Midwood, the FBI went door-to-door invading people’s homes, sparking fear in its residents (Tung, 2011). This fear that compelled people to stay in their homes led to a drop in Pakistani business. In September 2002, the Department of Homeland Security launched a system called NSEER (National Security Entry-Exist Registration System), which forced non-native male citizens over the age of 16 from 25 countries to register. Along with registering, these men were forced to submit fingerprints, photographs, and were subjected to lengthy interrogations. Eighty thousand men underwent this registration and thousands were subject to Immigration and Customs Enforcement (ICE) detention and interrogation (Tung, 2011).

By 2017, a number of anti-immigration policies had been introduced at the national, state, and local levels. Such policies created a hostile environment that stigmatized both foreign-born residents and U.S.-born residents along racial and ethnic lines. These factors were countered by Deferred Action for Childhood Arrivals (DACA) (Homeland Security, 2012), one of the most salient recent immigration policies to support immigrants. This policy, signed in 2012 during the Obama administration, gave “protected status” to immigrants who had arrived in the U.S. before age 16. DACA allowed them to remain in the U.S., work, obtain a driver’s license, and study. More than 750,000 individuals registered and were vetted. DACA, however, did not offer them a pathway to citizenship. It just meant they would not be deported. During his presidential campaign, Donald J. Trump called DACA “illegal” and a violation of the constitution.

After Trump became president, many young people protected under DACA became fearful that they would be rounded up and deported. To support and protect these DACA students, 33 institutions of higher education nationwide declared

themselves to be “sanctuary campuses” (Sanchez, 2017, np). Some universities, such as the University of Pennsylvania, even had a history of enrolling undocumented students since before DACA. The case of Maria illustrates the conflicted feelings that such students have about their country of origin:

Maria, 21, is one of them. She is a student at the University of Pennsylvania. Born in Mexico, Romero grew up in southern Texas. She was 9 years of age when her father had lost his job as a supervisor at a factory.... It shut down. They stayed in Texas. The children did not know what was going on until former President Obama signed the executive order DACA. I remember my sister and I didn't want to stay in San Antonio. My friends were all back in [Mexico]. (Sanchez, 2017, np)

DACA is widely endorsed by the American public as a policy that supports fairness and social justice. In a 2017 poll, Americans opposed an effort to repeal the DACA program for DREAMers by a greater than 2:1 margin, 58–28% (Pew Research, 2017). DACA is an example of a decision made by a single authority, former President Obama in 2012, to achieve a fair and just policy for youth brought to the U.S. as children. However, the strength of the rungs and poles of the racial scaffolding in American society, as well as the lack of checks and balances among the branches of the government, make this policy very vulnerable to being overturned, despite its support by a majority of the American people.

## Intersectionality: Justice vs. Injustice

Mattaini (2001) notes that “... society [does not have] a strong history of treating all, especially those who are different [racially and ethnically] than ourselves (or who we feel compelled to see as different for our own comfort), with respect” (p. 18). This statement addresses the constructs of racism and intersectionality from the perspective of interactional justice. However, the issue of social justice with respect to race and intersectionality is much broader than that. Intersectionality also impacts distributive and procedural justice. However, the status quo that supports white male privilege leaves a blind spot to the structural and systemic disparities and injustices that prevail based on the overarching presence of race and the intersection of one's location(s) in various social subsets. Because people live in several socially defined locations, they experience the cumulative impact of race related justice or injustice as it intersects with other subset locations in their lives, such as gender, class, sexual orientation, and wellness (Young, 2013). These intersections are socially constructed realities and are so dynamic, forceful, and internalized that they have been accepted historically and are rarely if ever recognized as such. Johnson (2013) gives a poignant historical example of how race, social construction, as well as societal and structural norms intersect with the institutional and structural levels in America.

In the 19<sup>th</sup> century .... U.S. law identified those having *any* African ancestry as black, a standard known as the “one-drop rule,” which defined “white” as a state of absolute purity

in relation to “black.” Native American status, in contrast, required a *least* one-eighth Native American ancestry in order to qualify. Why the different standards? ... Native Americans could claim financial benefits from the federal government, making it to whites’ advantage to make it hard for anyone to be considered Native American. Designating someone as black, however, took away power and denied the right to make claims against whites including white families of origin (p. 16).

Laws were enacted that supported these social constructions. These laws demonstrated how much control such structural and institutional connections had and how structural elements of the society were entwined with the identity of racial groups and the social subsets that helped to form their personal identities. How they were treated by the government had nothing to do with how First Nation individuals or Africans perceived or presented themselves. The federal laws identified dichotomous groups based on values and norms that benefitted and gave privileges to whites. This racial bigotry resulted in the insidious physical locations that were forced on these groups by local, state, and federal governments. There is this notion of “fairness” derived from values and norms of white supremacy that continues today. The racial categorizations of African Americans and First Nation Peoples are socially constructed realities and are so dynamic, forceful, and internalized that they have been accepted historically and are rarely if ever recognized as a manifestation of racism.

Oppression and social injustice are exemplified further in the intersection of race and gender for persons known as “two-spirits” in First Nation communities. Anguksuar, as cited in Balsam, Huang, Fieland, Simoni and Walters (2004), documents that “two-spirit is a relatively recent term, adopted in 1990 from the Northern Algonquin word *niizh manitoag*, meaning ‘two-spirits’; it is meant to signify the embodiment of both feminine and masculine spirits within one person” (p. 127). This pan-Indian term is used contemporarily to connote diverse gender and sexual identities among First Nation and Indigenous people. Traditional indigenous values often included respect for sexual and gender diversity, and many two-spirit persons had sacred and ceremonial roles in their communities. Colonization and its imposition of compulsory Christian values and beliefs suppressed the acknowledgement and valuing of two-spirit persons in many Native communities (Balsam, Huang, Fieland, Simoni & Walters, 2004).

An intersectional analysis of violence reveals that Two-Spirit people may experience targeted violence because of a combination of racism, homophobia, transphobia and sexism, depending on their individual gender and sexual identity. Lehavot, Walters, and Simoni (2009) report that nearly one-third of LGBT Natives (29.4%) reported experiencing hate violence. Research with Native lesbian, bisexual, and Two-Spirit women reveals high prevalence of both sexual (85%) and physical (78%) assault (Lehavot, Walters, and Simoni, 2009). This is illustrated in the following case.

On June 17, 2001, *Fred Martinez Jr.*, an openly two-spirit Navajo youth, was bludgeoned to death by a White male in Cortez, Colorado. Navajo locals claimed this was another

example of over three decades of race-motivated homicidal hate crimes in which Navajo youths are targeted to be murdered as a rite of passage for White youths (Norrell, 2001).

Martinez was Navajo and described himself as “two-spirited,” a Native American term describing those who engender a male spirit and a female spirit. He was last seen the night of June 16, 2001, when he went to a Rodeo. Based on what officials pieced together, Martinez first met 18-year-old Farmington resident Shaun Murphy at a party on the night of the rodeo. Later, Murphy and a friend gave Martinez a ride as they were headed to a friend’s apartment. The men dropped off Martinez before they reached the apartment, but later that night, Murphy and Martinez met again. Murphy pleaded guilty to second-degree murder and was sentenced to 40 years in jail. According to an anonymous tip, Murphy had bragged that he had “beat up a fag” that night (Cowan, 2011).

Such examples of violence directed at LGBTQ persons are all too common. When intersectionality is also a factor, that violence can be particularly brutal because it draws on more than one deep-seated fear/hate on the part of the perpetrator. Such was the case with Martinez. Because he was a member of two social subsets that are the target of discrimination and violence, he was particularly vulnerable to extreme acts of interactional injustice.

## Summary

The discourse on distributive, procedural, and interactional justice has focused on fairness and equity. Many persons of color in America, however, do not experience justice, but, in fact, experience the opposite. Racism that permeates the fabric of the country prevents racial equality from being realized. Distributive, procedural, and interactional justice are inextricably linked and the lack of justice that predominates in this country’s structures have been illustrated in actions throughout United States history.

Despite the long history of injustice for persons of color in the United States, there is reason to look toward the future with some hope. One ray of hope comes from State Senator Hank Sanders (2017) of Alabama who writes a monthly letter to his constituents entitled Senate Sketches. In his Senate Sketch, Number 1556, he addressed the need for social justice by reflecting on important events that speak to the moral arch of this country’s history: The Constitution, the abolition movement, the civil rights movement, the American Indian movement, and Japanese reparations. He emphasized the words of Dr. Martin Luther King in his Selma-to-Montgomery March speech: “The arc of the moral universe is long, but it bends toward justice.” This statement conveys a sense of hope about the future. It also implies that the battle for justice will extend over many years with periods of progress and periods of backsliding because bending the arc requires overcoming centuries of injustices for people of color. This is a daunting task but steps continue to be taken in this effort. It does not appear that the American people are willing to give up in their quest for “justice for all.” The scaffolding that supports injustice remains, but steps continue to be taken toward realizing a socially just society.

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