

**Governing Inequality: Race and the
Challenge of American Federalism**

Panelists:

- ❖ **David Troutt (School of Law, Rutgers-Newark),**
- ❖ **Karen O'Neill (Human Ecology, Rutgers-NB),**
- ❖ **Alan Tarr (Political Science/Center for State Constitutional Studies, Rutgers-Camden)**
- ❖ **Lisa L. Miller, professor of Political Science and Acting Director of the CRE (Rutgers-NB), moderator**

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On October 23, 2009, Rutgers scholars convened at the CRE to explore the meaning of federalism, a political structure that divides power between national and regional governments, and to discuss its significance in shaping the reality and experience of race and ethnicity in the United States. Panelists offered rich insights into the role of Congress, state houses, and local municipalities in addressing, and at times exacerbating, inequalities experienced by racialized and minority groups. From crime policy to affordable housing, and from land use to civil rights, panelists examined a number of policy issues that make visible the benefits and limitations of U.S. federalism.

**CAN THE NATIONAL
GOVERNMENT PROMOTE
RACIAL PROGRESS?**

Watershed events in U.S. history, such as the civil rights movement, brought to the foreground the power of national government over state governments. But to what extent was this an unusual or aberrant moment? According to Human Ecology professor Karen O'Neill, "The civil rights movement is extremely dominant in our imaginations as a place where the power of the federal government emerged as a dominant force." And yet, the moment when black civil rights activists relied upon the federal government was short lived. Law professor David Troutt added that subsequently, "civil rights activists have tended to move outside of the federal structure in pursuing courses of change." In effect, the black civil rights movement created a black middle class with less emphasis on the "so-called under class." Recognizing this imbalance, subsequent generations of civil rights advocates have moved towards helping people who were much harder to reach, and in the process have turned towards state governments rather than the national government. In other words, these activists have recognized that in order to create structural and economic change, they need to engage at the state level as well.

Historically, the national government's initiatives on racial equality have followed and emulated initiatives that were adopted by more progressive states. "How do states come through for minorities when the federal government doesn't?" asked political scientist G. Alan Tarr. Looking over a broader historical period, Tarr suggested that compared to the national government, "states haven't done that badly." In some instances the national government has hindered racial progress: when Northern states provided protective provisions for fugitive slaves, Congress implemented the Fugitive Slave Acts of 1820 and 1850, which required states to allow slaveholders to recapture runaway slaves. In other instances, the failure of less progressive states to initiate racial equality has in fact been abetted by the federal government's refusal to exercise its authority. On the other hand, while Congress

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doesn't?"***

- Alan Tarr

rejected requests for antislavery memorials, Northern states provided abolitionists with safe spaces to articulate their views. In other words, state governments and constitutions have often proved to be more concerned with matters of equity than the national government.

**COMPLEXITIES OF
FEDERALISM: VETOS AND
LOOPHOLES TO RACIAL
PROGRESS**

The complex system of federalism introduces many veto points and loopholes that impose obstacles to political

***Issues at the center of federal
policy—gun control, flood control,
levee construction, land use,
suburbanization—raise questions
about the national government's
capacity to shape positive social
change across time, issues, and
movements.***

accountability and the aims of social justice. American-style federalism divides power among various levels of government, from Congress to statehouse to local municipality. While such a division of power has obvious merits, it can also result in an overly complex political system. As G. Alan Tarr suggests, “Federalism is complexity, and complexity defeats easy accountability.” Tarr commented that such a highly complex system can at times impede rather than enable accountability, a central aim of democratic governance.



G. Alan Tarr, RU-Camden

A quintessential example of how complexity impedes the aims of social progress is the battle over fair housing in the state of New Jersey. The New Jersey Supreme Court adopted the Federal Housing Act (FHA), a congressional legislation requiring each municipality to provide affordable housing. While the New Jersey Fair Housing Act (NJFHA) has the power to level housing inequality, it nonetheless allows for a loophole called the “regional contribution agreement.” In effect, the NJFHA allows wealthier municipalities to trade away up to half of their obligations to build affordable units to municipalities such as Newark and Camden, which have a greater percentage of low-income populations. Because the national housing legislation (FHA) does not preclude

regional contribution agreements, such as the one embedded in New Jersey’s own housing act, the federal legislation paradoxically does little to reduce concentrations of urban poverty in New Jersey’s large cities.

As a consequence of the divisive allocation of political power under federalism, wealthier municipalities like Mt. Laurel have been able to subvert the aims of affordable legislation. When we look at the case of Mt. Laurel, what we find is that the federal FHA allowed the kind of legislative manipulation at the state level (regional contribution agreements) that NJ enacted in its housing laws. Mt. Laurel is a case study of how tensions between federal, state, and local level legislations can impede the aims of racial progress.

LIMITS AND PITFALLS OF LOCALISM

Local level politics have been crucial in allowing minority groups the power of self-determination, but local politics also has limits in the context of state and federal power. Moreover, local power can also enhance opponents to racial progress. The local level often provides an opportunity for ethnic minorities, low-income people, and grassroots community activists to mobilize political power around issues that most affect them. “At the local level,” suggested O’Neill, “individuals do not necessarily have to be ‘policy literate’ in order to understand the local and neighborhood issues that affect them most intensely.” Political scientist Lisa L. Miller noted that women of color tend to be active in local level politics, which Tarr reminds us is the stepping-stone to state and national political office. Similarly, David Troutt emphasized

the importance of local level politics, pointing out that limiting local power could lead to the alienation and silencing of those political leaders who voice the concerns of people living in marginalized spaces. Speaking of local power in urban areas, Troutt pointed out, “When urban poverty is concentrated in particular municipalities, this tends to result in the concentration of Black and Brown people which in turn gives rise to a concentration of Black and Brown political power.”

However, there are limits to what engagement in local level politics can achieve. Miller reminded us that the issues that women of color champion, like the prevention of gun violence, tend to be recast as insignificant local issues once they reach the

“Individuals don’t have to be ‘policy literate’ to understand the local and neighborhood issues that affect them most intensely.”

- Karen O’Neill

state and national levels. Because of this recasting, the voices of women of color are often muted on issues of broad public interest. Troutt reinforced Miller’s statement by adding that local and community activist groups often lack the resources available to lobby or to appeal to all the various levels of government at once—and this seriously diminishes their impact.

Call for Proposals: 3rd Annual Graduate Forum on Race and Ethnicity

The Center for Race & Ethnicity invites Rutgers Master’s and PhD candidates to take part in a cross-disciplinary conversation about graduate research related to the study of race and ethnicity. Students from all levels of study (from 1st year grad students to ABDs) and from all schools at Rutgers, including Public Policy, Law, Social Work, Education, Business, and Arts and Sciences, are welcome! This event is part of the Center for Race & Ethnicity’s ongoing initiative to promote interdisciplinary exchange and collaboration.

- ❖ **SHARE** your research and receive feedback on a course paper, dissertation proposal, chapter or poster in a casual and supportive environment. Well-developed projects and papers in progress are welcome. Panelists will provide a brief 5-7 minute presentation of their work. *Formal papers are not required for participation.*
- ❖ **MEET** other Rutgers graduate students across schools, disciplines, and departments working on projects related to race and ethnicity. Each panel will be followed by informal, cross-disciplinary dialogue exploring future directions for research.
- ❖ **LEARN** about fellowship resources and receive job market advice at workshops led by faculty and advanced grad students.

Deadline for submissions: **December 7, 2009**
Send to: CREgradforum@gmail.com

Submissions should include: 1) your name, year in school, department, campus, and email address; 2) a 150-250 word description of your presentation and argument; 3) a brief 1-2 line biography. Notifications will be made at the start of the Spring semester.

Organized by: Jill Campaiola (School of Communication & Information), Bridget Gurtler (History), Fred Hanna (Graduate School of Education), Shakti Jaising (English), Stephanie Jones-Rogers (History), and Fatimah Williams Castro (Anthropology).

In addition to these limitations on the power of racial minorities to use local politics to advance racial progress, we see also the pitfalls of localism in instances where local policies aimed at promoting social justice instead end up perpetuating race and class divisions. Zoning, for instance, allows towns to designate large lots as “open space;” but in reducing the number of houses that can be accommodated in the designated space, “open space” provisions end up attracting only higher income homeowners who can afford to purchase larger lots. Thus, while at first glance local level land use policies appear solely aimed at benefiting the environment, a closer look reveals that these “open spaces” in fact produce inequity in housing. Certain towns have even been known to classify as much land as they can as “open space” and to then claim it as off limits to the Counsel on Available Land for affordable housing quotas. In other words, in the absence of stronger policy statements about racial equality at the state and national level, localism can often exacerbate existing racial cleavages.

IMPLICATIONS FOR NEW JERSEY

What are the implications of U.S. federalism for a state such as New Jersey, where the problem in recent years has been a tendency towards hyperlocalism? Given New Jersey's hyper-localism, it is imperative that we understand if localism is in fact serving the goal of racial progress.

The issues raised during this roundtable on American federalism parallel some of the important and ongoing work that the Center is doing with respect to disparities in wealth, education, criminal justice and health in the state of New Jersey. In the Spring of 2008, a small faculty roundtable asked whether these disparities have common roots or separate origins. This was followed by a conference in the Fall of 2008, “Between Privilege and Poverty: Perspectives on New Jersey Disparities,” which gathered scholars from the three Rutgers University campuses representing a wide range of fields to identify the common thread among inequities in New Jersey as evidenced by their research. Questions of American federalism bear directly on questions of disparities in New Jersey as local level inequities have both state and federal origins



Panelists David Troutt and Karen O'Neill engage in discussion at the Center's recent roundtable on American Federalism

and, to some extent, we must look to those venues for solutions, especially in the face of the balkanization of power that is a hindrance to racial progress. While there is the impression that localism gives access to greater control, New Jersey's hyper-localism might impose limits on possibilities for social justice.

This panel threw light on the ability of American federalism to deliver on the promise of democratic self-governance and accountability. In addressing an array of social issues such as levee construction, flood control, gun control, suburbanization, land use, and so on, panelists effectively raised questions about how, where and by whom power is exercised. Panelists showed how both national power and regional power has limits.

Register Today! New Course on Race, Ethnicity & Film

In the spring of 2010, the CRE will be sponsoring its second team-taught, inter-disciplinary course. The course, which is cross-listed in comparative literature and journalism/media studies, is called *Critical Issues in Race, Ethnicity and Film*, and is geared toward deepening students' understanding of the ways in which film and media intersect with questions of race and ethnicity. Team-taught by Deepa Kumar, Assistant Professor of Journalism and Media Studies (dkumar@scils.rutgers.edu), and Susan Martin-Márquez, Professor of Spanish and Cinema Studies, (susanmm@rci.rutgers.edu), the course aims to introduce a wide array of undergraduate students not only to key films from the United States and around the globe, but also to different

ways of reading and understanding film by using a variety of disciplinary lenses. Registration for this course is by special permission number ONLY; please contact either professor at the e-mails listed for this number, or for additional information about the course.

Upcoming Events at the CRE

Hungry for more? The Center has a number of events planned for the fall on a variety of subjects broadly related to race, ethnicity and culture. Additional information and flyers for these events are available on our website,

<http://raceethnicity.rutgers.edu>.

- **Roundtable Discussion – The New Nativism? Immigration and Social Policy Conflicts**

Tuesday, December 1, 2009, 12:30 pm, 191 College Avenue, NB

Panelists Linda Bosniak, Peter Guarnaccia, Jan Kubik and Jamie Lew take a look at how the U.S. and other nations react to the influx of new immigrant populations with respect to social policies on education, health care and law.

- **Lecture and Discussion featuring Drucilla Cornell - “Indigenous Values and the Law: Africanizing the South African Constitution”**

Thursday, December 3, 2009, 4:00 pm, Pane Room, Alexander Library, NB

Join Dr. Cornell, professor of Political Science, Women's Studies and Comparative Literature for an interdisciplinary discussion of the intersection of indigenous identity, group rights and constitutional law.

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Acting Director (2009-10): Lisa L. Miller, Political Science

Senior Program Coordinator: Mia Kissil

Graduate Assistants/Editors: Jill Campaiola, Media Studies; Bridget Gurtler, History; Fred Hanna, Graduate School of Education; Shakti Jaising, English; Stephanie Jones-Rogers, History; Fatimah Williams Castro, Anthropology.

- Facilitating research and enriching education on matters of race and ethnicity in contemporary life in America, in New Jersey, and the world
- Promoting collaborations and fostering cross-disciplinary seminars and discussions on topics from immigration and work, to ethnic politics and racial classification, from preservation of cultural identity to its transformation, and including questions of poverty, discrimination, advancement, integration, and privilege
- Identifying critical areas for future research and supporting race and ethnicity research and policy development.

