



eliminating racism
empowering women **ywca**



RACIAL JUSTICE DIALOGUES FOR LAWYERS & JUDGES

MODEL CURRICULUM
Six-Session Program

PREPARED FOR
THE OHIO STATE BAR FOUNDATION
PAST PRESIDENTS ADVISORY COUNCIL

*By the YWCA of Columbus and the University of Toledo Criminal Justice Studies Department
With Special Support from the Ohio Judicial College*

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BACKGROUND

In 1994, Ohio Chief Justice Thomas Moyer, in conjunction with the Ohio State Bar Association, appointed the **Ohio Commission on Racial Fairness**. The Ohio State Bar Foundation served as the fiscal agent for the Commission, which performed research and conducted statewide hearings on the impact of race on the justice system in Ohio.

The Commission was chaired by Judge Ronald B. Adrine (Cuyahoga County Municipal Court), and it released its report in 1999. In that report, the Commission documented numerous examples where race has negatively affected access to justice and the actual outcome of criminal and civil matters. As the Commission noted:

Racism is real, and it is insidious. As shown by Andrew Hacker in his book, ***Two Nations, Black and White, Separate, Hostile, Unequal***, the evil of racism goes far beyond prejudice and discrimination because it is often unconscious and destroys our institutions. Racism, moreover, can take over institutions, establishing enforced and legally structured barriers to fairness and sanctioning bias. Platitudes about freedom and equality are not enough; indeed, they can become excuses for hidden unfairness. Instead of a leap of faith, what is required is a leap of action to make bold changes to the status quo....

Ohio Commission on Racial Fairness, Report, 1999, at 81.

The Commission called for specialized legal education in matters of racial justice as an important component of addressing the problems cited in its report:

The implementation task force should develop an anti-racism workshop curriculum that would be implemented by the Ohio Judicial College, OSBA and the Ohio Continuing Legal Education Institute as an annual workshop offered to judges, attorneys and courthouse personnel. This should be part of mandatory continuing legal education and for credit, just like substance abuse, ethics and substantive law.

Id., at 25 (emphasis added).

In 2000, Chief Justice Moyer appointed a smaller Task Force, headed by U.S. District Judge Algenon Marbley, to make specific recommendations regarding implementation of the Commission's report. The Implementation Task Force in 2002 recommended:

... that two hours of anti-racism/diversity training be added to the continuing legal education requirement for judges and attorneys for each biennial reporting cycle. The total number of hours would not be increased.

Implementation Task Force Report, 2002, at 14.

The Task Force explained further:

The Task Force clearly recognizes a need for increased education in this area, but also recognizes that members of the legal profession are already devoting considerable time and energy to continuing education. Therefore, it is the Task Force's recommendation to add a mandatory component of anti-racism/diversity training while maintaining the same number of total hours.

The Task Force recognizes racial issues –including race-based perceptions –among those factors seriously influencing the legal system's ability to guarantee justice for all people. As continuing legal education is a widely accepted and utilized resource for improving the system, it makes sense that race issues would be included among other mandatory topics addressed, such as ethics and substance abuse.

Id., at 14.

In 2003-2004, the Ohio State Bar Foundation's Past Presidents Advisory Council determined that it would make a priority of implementing these recommendations regarding anti-racism education for judges and lawyers. The PPAC determined that although mandates for such educational requirements have yet to be adopted, the Foundation might find ways to encourage the development of anti-racism education programs. After consulting with program experts from the YWCA Columbus Racial Justice Department and the University of Toledo Criminal Justice Program, the Council agreed to (1) develop standards and parameters for anti-racism education programs for judges and lawyers; (2) develop a model curriculum for such a program; and (3) complete a pilot anti-racism education program to test the standards and the model curriculum.

This curriculum addresses Phase 2 of the project. It is the hope of the Ohio State Bar Foundation and its team that this curriculum will be used as a course guide for bar associations and other providers of Continuing Legal Education. The curriculum may also be used as a model or starting place for the development of other CLE programs which address racism and race relations.

Because of the importance and potential far-reaching impact of these programs, the Foundation also wishes to ensure that newly developed anti-racism education programs are of the highest quality and have the most meaningful impact on the profession and the public. This curriculum is an example of such a program.

THE IMPORTANCE OF ANTI-RACISM EDUCATION FOR THE BAR AND JUDICIARY

As legal advocates, legal interpreters, decision makers—true 'guardians' of the law—lawyers and judges play a critical role in the development of societal institutions. Because these institutions have historically contributed to the perpetuation of racism in the United States, judges and lawyers hold the key to unlocking and rebuilding those racist structures.

Legislation, litigation, and judicial interpretation, however, are not the only points of impact lawyers have in shaping society. Lawyers and judges are leaders. Some create and head corporations; others play significant roles in the not-for-profit sector; many lead political parties; and still others manage educational institutions. Their ability to understand structural rules and hierarchies, advocate with passion, thoughtfully analyze problems, and creatively find solutions make lawyers essential to eliminating racism, particularly in societal institutions which often—knowingly or not—perpetuate that racism.

Furthermore, racism directly impacts our legal system, the legal profession, the service sector supporting the legal system (such as jury managers and clerks of court), and areas in which members of the citizenry interact with the legal system, such as jurors. For example, a great deal of recent attention has been given to studies which document racially disparate verdicts and sentencing in criminal matters; even more attention has been given to the overwhelmingly disproportionate number of persons of color sitting on Death Rows across the country. National and statewide studies indicate that the partnership ranks of leading law firms include relatively few persons of color.

Of course, diversifying law firms, the judiciary, and juries are meaningless unless the lawyers, judges, and jurors are given tools with which they can comprehend the impact of racism in their work and implement systemic, long-term changes. Even the American Bar Association has recently learned this lesson: when its staff and commissions became more racially diverse, racial conflicts rose, largely because staff and commission members were not given sufficient training to overcome racist barriers and work together. See Bean, “Lawyers Miss Crucial Diversity Lesson: Racial Representation Isn’t Enough,” *Diversity, Inc., Newsletter*, August 23, 2004.

ABOUT THE OHIO STATE BAR FOUNDATION

The Ohio State Bar Foundation is a 501(c)(3) public charity and primarily a grantmaker to programs and publications that advance its mission of promoting public understanding of the law and improvements in the justice system throughout Ohio.

Also the professional honorary of Ohio lawyers, the Foundation’s nearly 800 lawyer and judge volunteer members have committed themselves to supporting the work of the Foundation, which includes its grants program, a statewide awards process and selected service programs. Racial Justice Dialogues is the product of one of these service initiatives, produced by the Ohio State Bar Foundation’s Past Presidents Advisory Council.

For more information about the Ohio State Bar Foundation, please see www.osbf.net.

ABOUT THE YWCA

The YWCA of Columbus is pleased to have assisted in the preparation of this curriculum. The YWCA’s missions are *eliminating racism* and *empowering women*. In 1970 the YWCA adopted its One Imperative—a stance on anti-racism—by declaring that YWCAs across the nation would use “their collective power toward the elimination of racism, wherever it exists, and by any means necessary.”

The YWCA of Columbus adopted the Study Circle method in 1994. This method was developed in the mid-80's by the Study Circle Resource Center using a social justice model – which can be used for other topics such as sexism, ageism, ableism, homophobia, and other issues often dealing with oppression. The YWCA uses the Social Justice model because we believe that standard “diversity training” seems to avoid the root of the problem and seldom leads to putting “talk into action”. The Social Justice model is not a training course; it is an experience and exploration. In 2002, the name Racism Study Circles was changed to ***Racism Dialogues*** to reflect the importance of communication.

The YWCA of Columbus, which has twice received the national YWCA Racial Justice Award (in 1998 and 2005), has become expert at developing tailored Racism Dialogue curricula, which make the dialogue relevant and culturally competent for the participants.

ABOUT THE UNIVERSITY OF TOLEDO

The University of Toledo's Department of Criminal Justice has been at the forefront of research and practical application regarding methods of improving the nation's criminal justice system. The department has been a often-used consultant for the Ohio State Bar Foundation in matters regarding the criminal justice system. Professors Morris Jenkins and David Baker have served as consultants in the development of this curriculum, and they are providing ongoing evaluation and outcomes measurement regarding its use.

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INTRODUCTION TO THE RACIAL JUSTICE DIALOGUES FOR LAWYERS AND JUDGES: NOTES ON TIMING, SEQUENCE, PARTICIPANTS, AND FACILITATORS

This special program for lawyers and judges is an opportunity to intentionally create a safe space for specific and intentional dialogue about racism and race relations. Through such dialogue, participants will develop a critical consciousness concerning racism. This critical consciousness can then be the basis for action planning and implementation regarding the elimination of racism. Participants are encouraged by the formal structure of the Racism Dialogue to break away from their traditional approaches to race relations, and they continue to develop their critical consciousness (followed by action) long after the end of the six sessions planned here.

UNDERPINNINGS: This program is predicated on the belief that spaces must be created where dialogue and exploration of racism, white privilege, and the dynamics therein can take place among diverse groups of people. Through this dialogue, knowledge of the variety of racist actions, events, structures, and processes can be shared. Information and experiences about strategies available for challenging racism can also be identified. In addition, participants find the skills and support needed to change their own and others' behaviors to further challenge racism.

Silence, isolation and denial are major forces in maintaining racism. During these sessions, participants have an opportunity to break down this isolation and silence, bringing valuable insights to light. Only in places where we feel affirmed, believed and respected are we willing to share our deeper thoughts, beliefs and experiences. If we fear that our experiences will be invalidated, we will choose to remain silent.

Finally, this program encourages participants to actively challenge the manifestations of racism that they recognize. Only through a life-long commitment to developing one's critical consciousness and taking action accordingly will racist oppression be eliminated.

TIMING: The entire curriculum consists of six two-hour sessions. The curriculum may be used as an entire twelve-hour program, or it may be used to provide six discrete, two-hour programs.

The twelve-hour program can be accomplished over a one- or two-day period. However, the course designers highly recommend that the course be offered as six weekly two-hour sessions (for a six-week period). This gives the participants time to digest and process the dialogue from one session to the next. More importantly, it allows participants to gradually apply their growing critical consciousness, and to use observations from their daily lives in each succeeding session.

The Ohio State Bar Foundation recognizes that for many judges and lawyers, six weekly two-hour sessions may be logistically difficult. Each session, then, may operate as an independent continuing education program. However, we strongly recommend that the sessions be offered sequentially, because the overall curriculum relies upon cumulative learning. Lawyers who participate in the session on Institutional Racism will not greatly benefit from the program unless they have first participated in the Introductory session. At the very least, participation in the first session should be a prerequisite for participation in any other session.

PARTICIPANTS: The Dialogues program works best with a group of six to twenty participants, with ten to twelve participants being an ideal number. Smaller groups tend to lack needed dynamicism and diversity of thought, and larger groups prohibit participation by all participants in the time permitted. It is also recommended that, as demographics may allow, groups should be as racially diverse as possible. The program will work with single-race groups, but the dialogue becomes much more significant and meaningful when there is cross-racial discussion.

FACILITATORS: This curriculum calls for two trained facilitators. It is recommended that, where possible, the facilitators be of different races, to provide diverse viewpoints and to lend credibility to the program. Co-facilitation enables each session to be effective and efficient. This curriculum does not require that the facilitators be lawyers or have law degrees. However, experience in other settings has taught us that peer facilitation is the best model. It may therefore be advantageous to utilize facilitators who are legal professionals or judges. Please contact the YWCA of Columbus (614-224-9121) to arrange for trained contract facilitators, or for facilitator training for bar associations and other groups.

OVERVIEW OF PROCESS

Racial Justice Dialogues for Lawyers and Judges is a comprehensive program that allows participants to explore racial issues and develop an action plan to deal with them. It gives participants an opportunity to *specifically and intentionally* look at racism in our society, our communities, our institutions, our professions, and our personal lives. Through the program, participants get to know each other as individuals and as allies committed to eliminating racism. The focus is on exploring thoughts, feelings, and perceptions of individuals on the issue of racism in order to reach common ground.

Session I – Reaching Common Ground: Beginning to Understand Race Relations, Racism, and Racial Justice.

The tone is set for participants to communicate with each other, begin exploration of the subject of racism, and begin to understand the importance of reaching common ground.

Session II – Exploring Society’s Racial Divide

Participants share personal experiences and insights about racism, ultimately gaining a better understanding of the development and perpetuation of societal racism.

Session III - The Prevalence of Racism and the Racial Divide

Participants are encouraged to explore the subtle and obvious forms of racism in our society.

Session IV –Racial Justice and Institutions

Participants develop the ability to identify racism within institutions by responding to questions like “How might racism be operating within our legal and professional institutions?”

Session V – Risks and Benefits of Challenging Racism

Participants develop strategies to stop racism by talking about the risks, real and imagined, when trying to interrupt racism.

Session VI – Action Planning

Participants build upon the foundation set during previous sessions by sharing ideas and developing action plans to eliminate racism in their lives.

SETTING THE TONE

It is the responsibility of the facilitator to clearly and intentionally set the tone of the *Racial Justice Dialogues* to ensure participants will feel safe and empowered to take ownership of the process.

Facilitators are encouraged to send clear messages about the purpose for coming together, the roles of both participants and co-facilitators, and the agreed upon Guidelines at the beginning of every session.

Participants need to know:

- **There is a format and process for *Racial Justice Dialogues*.**

We collectively explore racism fully and deeply, beginning with its personal impact, looking at it from a larger vantage point, and then focusing on action steps. Participants need to know that this may feel awkward at first, but they will feel much more comfortable with time and practice.

- ***Racial Justice Dialogues* is a “Leader-full” group process.**

Everyone in the Racial Justice Dialogue takes full responsibility for its success. Guidelines are collectively agreed upon and changed as needed. It is up to participants as well as facilitators to be mindful of what is happening in the group and to other participants. In this space we demonstrate care for each other.

- **Facilitators are not experts (but are knowledgeable).**

Facilitators are here to help guide the group and focus on the process of the *Racial Justice Dialogues*, not the content. The expertise concerning racism comes from the participants’ collective experiences, thoughts and feelings.

- **Participants and facilitators come together to draw out the wisdom and experience from within the group.**

The stories shared by participants and the knowledge individuals bring to the group create the pool of data we rely upon for our exploration of racism. We start with our own experiences first, sharing these with each other in a safe space. Participants should also be aware that each person can only speak for their own experiences.

- ***Racial Justice Dialogues* is an exploration.**

Racial Justice Dialogues is not simply “one more workshop about diversity.” It is a process where individuals cooperatively co-create a space to look deeply at racism, inviting the full complexity of the exploration to come to the surface.

- ***Racial Justice Dialogues* starts with people talking and ends with people taking action.**

We must encourage participants to put into action the insights and critical consciousness they are developing through participating. This is fundamental to challenging the devastating effects of hopelessness that permeates the area of challenging racism.

- **Feelings as well as thoughts and ideologies are invited.**

Wisdom also comes in the form of our feelings, intuitions, hunches, as well as our thoughts, theories, and ideas. ***Racial Justice Dialogues*** must be a place where these aspects of our being can be shared safely.

- **The goal is for this group to be autonomous and independent of the facilitators.**

We have succeeded in our efforts if individuals in our ***Racial Justice Dialogues*** become independent of facilitators in their efforts to act in anti-racist ways. We have a responsibility to encourage each member to develop an ability to take leadership in individual and/or collective anti-racist work. We must continuously ask ourselves if we are encouraging participants to fully develop what they need in order for them to continue challenging racism long after the six sessions have ended.

ASSUMPTIONS

There are some assumptions we make as facilitators going into this process. They are:

- ▶ Racism exists and needs to be acknowledged.
- ▶ Racism= power + prejudice + oppression
- ▶ Racism is ugly, pervasive, and complex.
- ▶ Racism is destructive--it keeps us apart.
- ▶ Racism has many levels and is manifested in many ways (interpersonally, structurally, institutionally).
- ▶ Racism continues to be pervasive because of a lack of understanding.
- ▶ Racism is a **learned** behavior.
- ▶ Racism **can** be unlearned and eliminated.
- ▶ Individual beliefs and actions can perpetuate inequality.
- ▶ When addressing racism it is important to understand all perspectives and beliefs.
- ▶ All types of oppression are interrelated and intersect.
- ▶ Racism can be overt and/or covert; subtle and/or obvious.

Given the need in the professional culture for “proof” or at the least support for assumptions, we have compiled an Appendix of case law, law review articles, and other research on racism and race relations. These materials can be used for pre-Dialogue reading, or as additional “homework” assignments between sessions. They can also simply be made available to participants who may wish to do further reading.

GUIDELINES

Developing guidelines is the first concrete opportunity for establishing a tone of safety, cooperation, and mutual respect. Guidelines are not intended to restrict participation, but are used as a means to promoting the fullest participation from as many people as possible. They help participants support each other in maintaining the safety and trust that comes from respecting each other's worth. Reminding them of this puts primary responsibility for creating safety squarely on each individual's shoulders—where it belongs.

GUIDELINES ARE INTENDED TO:

Create safety in the group by promoting honesty.

Guidelines enable participants to feel safe in talking honestly about racism. Talking about racism can be very frightening for many people; facilitators must therefore establish a sense of safety from the very beginning. It's just as important to re-establish this safe place by revisiting (and modifying as needed) the guidelines before every session.

Clarify assumptions about how we want to behave and be treated by others.

Facilitators must make clear how we are going to talk about racism. Guidelines clarify what the preferred ways of communicating are and what behaviors shut people down. In order to set a tone of honesty, clarity, and respect, make sure the rules of behavior are clear and explicit.

Develop a space where open and clear communication will occur.

There are many things that silence people when they try to share thoughts and feelings about racism. When a group adheres to a guideline such as "practice listening" or "one person talks at a time," the person speaking feels that their story is important, that what they say has a good chance of affecting those who are listening. This may be a change for lawyers who are used to adversarial argumentation, and facilitators should be alert to prevent Dialogues from becoming "oral arguments."

Help participants take responsibility for how they act toward each other.

Whether participants follow a set of pre-designed guidelines, or commit to guidelines they craft themselves in the first session, this is the first opportunity to reinforce that participants are co-creating this "safe space" together. This helps people recognize the need for cooperation and sharing of power. It also helps participants feel a sense of ownership of the process and less of a sense that they are being forced to participate against their will or that they are being "judged."

CREATING GUIDELINES EXERCISE

Having the participants create their own guidelines to be used throughout the six sessions can help them gain a sense of ownership of the process. It also obliges them to directly create and maintain a space that is safe. This exercise gives the participants a chance to tell each other what they specifically need in order for them to feel safe enough to talk.

If the curriculum is being presented as discrete sessions (not as a package of six sessions), it is likely that there will not be sufficient time to conduct this exercise. In such a case, simply present the sample guidelines and ask the group for additions or changes, then affirmation.

IMPLEMENTING THE CREATING GUIDELINES EXERCISE

State the goal and reasons for the exercise:

The goal of the exercise is to cooperatively create a set of guidelines that will determine how we talk about racism with each other for the next six sessions. Facilitators may decide to use a pre-established set of rules (which follow) to save time; however, there are advantages to creating these rules together as a group. Creating guidelines as a group helps participants take responsibility for how they behave toward each other. The process allows participants to let others know what they need to feel safe and encourages a sense of empowerment. This process is ongoing and needs to be revisited in every session.

Begin the exercise:

- List the things that participants recognize as obstacles preventing open and clear communication (e.g. interruptions, being judged, dishonesty)

“What could we do today that would completely prevent open and clear communication from happening?”

- List the guidelines participants need in order to ensure open and clear communication in a safe space (e.g. honesty, listening, no interruptions, etc.)

“Knowing what breaks down communication, what do we need in order to ensure open and clear communication occurs in a safe place?”

- Add any guidelines you as a facilitator think will help provide safety, especially: “I” Statements, Feelings, and Confidentiality.

Have participants show their agreement by raising their hands:

Have participants, by a show of hands, indicate a willingness to follow these guidelines. It is important that all participants show agreement to follow the guidelines.

Review the guidelines every session and make changes as needed:

At the beginning of each session, ask participants to review the guidelines.

“Are any changes needed that will improve group communication and participation?”

If changes are made, ask participants to indicate their willingness to try these new guidelines in addition to the old ones.

Note: If you choose to use a pre-established set of guidelines be sure to ask the group how they feel about these guidelines.

“Are there any guidelines here that you aren’t comfortable with? Are there any guidelines you want to add to the list?”

Do this every session so participants can have a sense of control and ownership over the process.

GUIDELINES

Confidentiality: What is said here stays here.

Role and Status Suspension: Each participant has equal status in the group. No person outranks another.

Judgment: Agree or disagree with specific behaviors and statements. Do not evaluate another person as good or bad, right or wrong. We are not always going to agree, or see everything the same way, and that is okay. Be mindful of judging yourself.

Participate, Don't Dominate: Everyone's opinion counts. Speak up, but don't monopolize the discussion.

Be Open: Speak from self; be candid with your statements. Keep an open mind and an open heart to other people's thoughts, feelings, and perspectives. BE OPEN TO CHANGING YOUR OWN MIND.

"I" Statements: Refrain from singling out any individuals as "representing" his or her group or issue.

Speak to the group: Refrain from having "side bars" or directing comments to the facilitators. Everyone can benefit from your comments.

Listen: Tune in to the other person. Pay attention to what they say and what they mean rather than what we believe they are saying or trying to say. Listen to yourself as well. ONE PERSON SPEAKS AT A TIME.

Respect: Respect differences. Avoid getting tied up in debate and argument. Know that each person has something of value to contribute. Respect yourself.

Feelings are important: We may laugh and cry together, share pain, joy, fear and anger. Sometimes you may feel uncomfortable, but that is a sign of growth... "if you can't feel it, you can't heal it".

Expect Unfinished Business: This is the beginning of your journey. It didn't start today and it won't end today. We can only change ourselves. Our change and growth may, however, inspire someone else.

Expect Different Realities: Each participant has a different context for race relations. For example, Some persons work and live in environments which are racially diverse, and other do not.



YOUR ROLE AS FACILITATOR

As a facilitator of *Racial Justice Dialogues* you have several different tasks at hand.

Keep the group focused and on target:

- As facilitator you may be viewed as the “expert”; however, you are not. You do not know everything.
- Avoid becoming the focus and being asked to speak for your race. When that happens turn it back to the group, “What or why do you think”.
- Find your comfort level. This is not the time to work on your issues. You are not an expert. You are to remain neutral.
- There are times when you may need to share a brief personal story in order to:
 - Draw people out
 - Illuminate a point
 - Ask a question, i.e., “Has anyone else felt like that?”
- Do not share stories if:
 - The group goes silent after you speak
 - The story is accusatory
 - The story inappropriately discloses information

Bring in Relevant Information to Raise Awareness:

- As facilitator you are an informant. Bring up current events and bring in articles if they are appropriate to the discussion.

Be an Activist:

- You must believe that racism CAN be dismantled.

Guide the Group:

- During discussions, raise contradictions, encourage self-reflection, summarize discussions, and ALWAYS bring the discussion back to the group.

House Keeping:

- Try to keep the group on time. In order to end on time you must start on time. Remind the group that you will be starting on time every week.
- Make sure comfort needs (locations of bathrooms, drinking fountains, coffee) are addressed in the beginning.

Use Silence:

- First assess what kind of silence it is. If it seems as if the group is reflecting on what was just said, let them think.

“Obviously this brought up some thoughts and feelings, so let’s think about it and whenever someone wants to talk go ahead.”

Monitor/Distribute:

- If someone is monopolizing the conversation bring others into the discussion.

“That is an interesting point you just made. What do others think about that?”

Question and Challenge the Group:

- Keep the discussion moving in a non-confrontational way. Challenge the group to think in different ways.
- If a participant is being confrontational or monopolizing the group reflect back to the Guidelines.

Accept Expressions of Feelings:

- Emphasize that it is not only okay, but normal to feel angry, sad, guilty, etc.

Be Careful when Disclosing Personal Information:

- Know your limits. Be careful not to take over and become the only one talking

Address Conflict:

- Know your triggers and your partners’ so you are able to step in for each other.
- Anticipate the “statement” or “action” that you would least like to be said or done and prepare your reaction.

A SPECIAL NOTE FOR FACILITATORS: FLEXIBILITY AND FRUSTRATION

Two things are likely to happen during this program, especially if it is being presented in a long-term format, such as a full-day or six-week program: the discussion on one topic will infringe on the amount of time remaining for another, and some or all of the participants will express frustration at not being able to get clear answers, definitions, or even solutions.

Assuming the discussion is well facilitated and germane to the topic, the first problem can be a happy one. This curriculum was designed to be flexible. If all or most of the participants are actively engaged in a discussion, it is not necessary to abruptly stop it, just for the sake of following the script and changing topics. Dialogue is, after all, the point of this program.

On the other hand, the inability to cover a topic or topics can result from a discussion that becomes tangential to the topic or focuses on a small detail or subtopic. Or, a domineering participant can be attempting to control the discussion. This is where expert facilitation becomes most important. The facilitator should firmly but gently interrupt the conversation and move it in the proper direction. Sometimes, this can be accomplished simply by a change in body language—a shift in the seat, a look at the speaker, even (if done politely), a look at the watch or clock. Another way to handle this is to “check in” with the group. For example:

FACILITATOR: Let me interrupt for just a moment here, because we have been talking about this for some time. I want to check in and make sure everyone is comfortable in continuing this line of discussion. We can continue, or we can move to the next planned exercise, which deals with institutional racism. How would you all like to handle this?

Participant frustration, particularly at the lack of clarity, definitions, or solutions, can present a more difficult situation. The facilitator should get a sense of whether only one participant is frustrated, or if the frustration is shared by most or all of the group. Individual frustrations are usually best handled in private, before or after the session, or by calling a break if the expression of frustration is disrupting the dialogue.

Here are some suggestions on how to approach these frustrations:

1. *Ask the group for help.* Very often, the group can solve this problem.
2. *Remind the group that this is a very complex topic.* The question of race in society is very complicated. Acknowledge the truth: there are no easy or clear-cut answers.
3. *Remind the group that the dialogue is the point.* The goal of this program is to specifically and intentionally discuss racism and race relations. The expected outcomes are increased understanding, not necessarily complete clarity.
4. *Point to the Guidelines.* Remember “Expect Unfinished Business”?

5. *Be a Resource.* Offer to the group or the frustrated participant(s) that you will do some additional research on the issue or concern and provide them with reading materials or opportunity for additional discussion.
6. *Summarize and move on.* Articulate the expressed frustration and/or the discussion surrounding it, then ask the group if they can live with it or put the issue aside for now and move on.

ICE BREAKERS (OPTIONAL)

The dynamics of each group will be different. Some groups seem to immediately engage in dialogue and never look back; others may need some help in developing a comfort level which leads to open, forthright discussion. In the latter case, icebreakers can be used in several different ways. Generally, icebreakers are used at the beginning of a session to start everyone thinking about the subject of racism. All icebreakers should in some way relate to the topic of race relations and racism. There are several different types of icebreakers you can use including ***Introduction, Inquiry and Assessment***.

Introduction icebreakers can be used in the first few sessions to decrease participant anxiety and help people get to know each other.

- *“Let’s go around the circle and share your name, one thing you want others to know about you, and one expectation you have about participating in the Racial Justice Dialogues.”*
- *“State your name, the type of law you practice, and whether or not you feel you work in an environment that is racially diverse.”*
- *“Please give your name and a word of ‘legalese’ which describes how you feel right now.” (Examples are ‘adversarial,’ ‘litigious,’ ‘mediatory,’ ‘judicial restraint,’ etc.)*

Inquiry icebreakers can be employed in later sessions to generate topical questions related to racism that can be the focus of the session. Some can be used to change the mood of the group, by bringing lighthearted humor to the session.

- *“Say something about why you think it is so difficult for people of good will to talk about race and racism.”*
- *“Share one or two words describing how you’re feeling right now, and share any thoughts or reflections about racism you’ve had since our last session.”*
- *“Let’s go around the room and check in. If anything has come up in the last week related to racism and what we were talking about last time, you can share that too.” (Emphasize the importance of raising awareness.)*
- *“In your check-in today, share one question you have about the subject of racism.”*

Assessment icebreakers can also be used to assess the energy level and emotional-state of participants, and to solicit information from participants regarding their critical reflections about the usefulness of the Racial Justice Dialogue process.

- *“What do we need in today’s session that will improve our ability to talk about racism?”*
- *“Share with each other any thoughts you have about the **Racial Justice Dialogue** process.”*

CURRICULUM

RACIAL JUSTICE DIALOGUES FOR LAWYERS AND JUDGES

PURPOSE: TO GIVE LAWYERS AND JUDGES AN OPPORTUNITY TO LOOK AT RACISM SPECIFICALLY AND INTENTIONALLY; TO EXPLORE RACIAL ISSUES, PARTICULARLY AS THEY AFFECT AND ARE AFFECTED BY THE LEGAL SYSTEM, AND DEVELOP ACTION PLANS TO CONFRONT RACISM IN THE PARTICIPANTS' PROFESSIONAL AND PERSONAL LIVES.

GENERAL OUTCOMES:

Following are the desired outcomes of this program:

1. *Participants should be able to identify obvious and subtle forms of racism, with special attention to the role of the law and legal institutions in the formation, perpetuation, and elimination of racism;*

Racism is a sociological phenomenon which has been institutionalized in society and socialized into individuals. Its existence and implications are often nuanced. Building heightened awareness of the forms of racism, particularly as it exists in the legal system, is essential to fully addressing this issue.

2. *Participants, through dialogue and interaction, should have the opportunity to explore thoughts, feelings, and perceptions of individuals on the issue of racism, in order to reach common ground on that issue;*

The existence and effects of racism can best be scrutinized by a full understanding of how persons of different races perceive themselves and others with respect to the institutions of law and justice.

3. *Participants should learn strategies to eliminate racial prejudice and racism, within and without their profession; and*

Lawyers and judges have the opportunity to effect change not only within their own legal institutions, but in their other organizations or spheres of influence.

In addition, participants in this program should develop the following *core competencies*:

- a. Ability to discuss racial issues in a variety of settings (e.g. law firms, courts, bar associations, community organizations);
- b. Heightened awareness of racism and its impact on society, as well as their personal and professional lives;

- c. Use of tools learned to follow through on action steps to eliminate racism;
- d. Actual participation in community activities which embrace inclusion; and
- e. A commitment to lifelong learning on racial issues.

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OVERVIEW OF SESSIONS

Session I: “Reaching Common Ground: Beginning to Understand Racism” (2 hr)

- Welcome and Introductions
- Pretest
- Guidelines
- Rotating Dyad
- Quadrant Exercise
- “Mini” Strategy Session
- Check-out/Preview Session II/Homework*

Session II: “How Racism Develops” (2 hr)

- Review Session I and Guidelines
- Sharing Your Personal Cultural Heritage
- Video by Jane Elliot
(Suggested videos: “The Thirty-Minute Blue Eyed”, “A Class Divided”, “Eye of the Storm”, or “Essential Blue Eyes”)
- Check Out/Preview Session III/Homework*
 - *Observations
 - *White Privilege articles (Robert Jensen)

Session III: “The Power and Prevalence of Racism” (2 hr)

- Review Session II and Guidelines
- Check-In/Observations
- Rotating Dyad
- “What does it mean to be ...?”
- Privilege Walk or Alternate Exercise
(Alternate: Discuss Robert Jensen’s articles only.)
- Quadrant Exercise
- Check Out /Preview Session IV/Homework*
 - *Observations

Session IV: “Institutional Racism” (2 hr)

- Review Session III and Guidelines
- CHECK-IN/Observations
- Debriefing
- Institutional Racism in the Courts and Bar
- Continuing the Dialogue
- Check-Out/Preview Session V/Homework*
*Observations

Session V: “Challenging Racism” (2 hr)

- Review Session IV and Guidelines
- Check-In/Observations
- Risks
- Strategies
- Challenging Racism Scenarios
- Check Out/Preview Session VI/Homework*
*Observations

Session VI: “Action Planning” (2 hr)

- Review Session V and Guidelines
- Check-In/Observations
- Tearing Down Racism
- Brainstorm Organizational Action Plans
- Self-Commitment Letter
- Close Out/Summary

- Encourage the group to **CONTINUE THE DIALOGUE!**

**NOTE: VIDEOS AND EXERCISES ARE ONLY USED TO STIMULATE DIALOGUE.
EXERCISES SHOULD BE CHOSEN BASED ON SIZE AND COMPOSITION OF GROUP.
TIMES ALLOCATED FOR EACH ACTIVITY OR EXERCISE CAN BE ADJUSTED.**

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SESSION 1
“REACHING COMMON GROUND: BEGINNING TO UNDERSTAND RACISM”

PURPOSE: TO SET THE TONE FOR PARTICIPANTS TO COMMUNICATE WITH EACH OTHER, EXPLORE THE SUBJECT OF RACISM AND BEGIN TO UNDERSTAND THE IMPORTANCE OF REACHING COMMON GROUND.

OUTCOMES: AS A RESULT OF BEING IN THIS SESSION, PARTICIPANTS WILL:

- CREATE A SAFE SPACE FOR OPEN DIALOGUE.
- ESTABLISH AND ACCEPT GROUP RULES.
- ENGAGE IN SPECIFIC AND INTENTIONAL DIALOGUE ABOUT RACISM AND RACIAL JUSTICE.

Outline:

- WELCOME & INTRODUCTIONS (5)
- GUIDELINES (5)
- ROTATING DYAD & PROCESSING (40)
- QUADRANT (40)
- “MINI” STRATEGY SESSION (25)
- CHECK-OUT/PREVIEW SESSION II/HOMEWORK* (5)

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| 30 min. (before Session starts) | <p><u>Logistics Check</u> Refreshments (if provided) Sign-In Sheet Nametags In-Session Sign Sessions Overview Poster Guidelines Poster Flip Chart/Markers Masking Tape Overhead or Power-Point Projector Participant Folders Forms (CLE forms, evaluations, etc.) Video – RACE: Episode I Dyad Questions on Flip Chart Sheet, overhead, or slide</p> | <p><i>Set-up: Chairs set into a circle facing each other. Name tags on chairs with markers available. Sign-in sheet next to door. Guidelines and Sessions Overview on the wall. Flipchart at head of circle.</i></p> |
| 15 min. | <p><u>Introduction/Pretest/Guidelines</u> <i>Framing: Welcome to the Racial Justice Dialogue for lawyers [judges]. We know that we cannot resolve all the issues of racism in 6 short sessions [in this short session], but we’re here to begin the process of shared understanding.</i></p> <ul style="list-style-type: none"> • Welcome participants. • Facilitators introduce themselves, clarify their roles. • Participants introduce themselves and share <u>one expectation</u> they have for the workshop that is written on flipchart paper and posted for review through-out the sessions. | <p><i>Both Facilitators</i></p> <p><i>We are not here because we have all the answers or because we are experts on racism. We are here to learn from each other, and to become empowered to challenge racism within our lives.</i></p> |

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| <p>15 min.</p> | <ul style="list-style-type: none"> • Explain any paperwork or forms. • Explain/Review Guidelines, or conduct Guidelines Exercise. <p><u>Rotating Dyad Exercise</u> <i>Framing: This exercise will assist us in starting right away to talk about race and racism, which are often difficult subjects to discuss. It is also an opportunity to remind ourselves of active listening skills, which are important for all of our discussions.</i></p> <p style="text-align: center;">PART I</p> <p><u>Activity:</u> Have the participants count off by 2's.</p> <ul style="list-style-type: none"> •Form two concentric circles (1's facing out, 2's in the outer circle facing a 1). •Instruct participants to sit facing their partner knee to knee, so that they may focus all their attention on that person. •Facilitators will ask a question and participants have 30-60 seconds to share their response with the person they are facing. •Facilitators will call "time" at the end of 30 and 60 seconds and the outer circle then rotates to the right. •Facilitator asks the next question, participants repeat the process, sharing responses with a new person from the other circle. <p style="text-align: center;">(STRESS ACTIVE LISTENING!)</p> <p><u>Question #1:</u> Share with your partner something about your first, middle or last name, and share something about your ethnic or cultural background (parents language, food, traditions/celebrations). (1's answer 1st)</p> <p><u>Question #2:</u> Share a time when you were first aware of the color of your skin. (2's answer 1st)</p> <p><u>Question #3:</u> Share a racial stereotype that you find yourself reacting to whether you want to or not .(1's answer 1st)</p> <p><u>Question #4:</u> Share with your partner the first time you experienced or witnessed discrimination based upon race. (2's answer 1st)</p> <p><u>Question #5:</u> Share with your partner a time when you experienced or witnessed a racist or racially discriminatory act in a legal setting—whether it was in a law firm or employer; a courtroom; or a law enforcement or penal setting. (1's answer 1st)</p> | <p>Both Facilitators</p> <p><i>One of the facilitators may have to participate if there are an odd number of participants; otherwise, one facilitator can keep time while the other one reads the statements.</i></p> <p><i>The goals of this exercise are (1) to make the participants more comfortable with group dialogue by starting with one-on-one discussions; (2) to get participants in the habit of using active listening skills; and—probably most important—(3) to immediately have the participants intentionally and specifically talk about race and racism.</i></p> <p><i>The first six questions provide incrementally 'difficult' areas of discussion surrounding race. The seventh question is designed to let participants know that this is a "safe" venue in which they may ask questions or critically consider their previous notions of race relations and racism. A common question, for example, is: What is the difference between the terms 'Black' and 'African American'? If participants seem</i></p> |
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| <p>20 min</p> | <p>Question #6: Share with your partner a time when you challenged a racist act/comment (2's answer 1st)</p> <p>Question #7: Share with your partner a question or concern you have regarding a culture different from yours, but which you have been too afraid or embarrassed to express. (1's answer 1st) (give participants an additional 20 seconds to think about their answers before beginning).</p> <p style="text-align: center;">PART II</p> <p>Discussion: Ask participants to take their seats again. Ask participants the following questions as in a conversation.</p> <ol style="list-style-type: none"> 1. How did you feel throughout the exercise? 2. What did you think about the questions? Were they hard, easy? 3. What about the question about noticing your skin color? If you remember that moment, is it that you were different from others, or that they were different from you? 4. Did anyone say anything that surprised you or caused you to respond emotionally? 5. Who would like to share what they said in response to the question about race in legal settings? 6. Would anyone like to share what they said in response to any other questions? 7. Can we come up with a working definition of racism? (Power + Prejudice + oppression/discrimination) <p>Thank you for participating. Now that we have begun to talk about race and racism, let's take a look at ways in which race impacts society and our legal system, and vice-versa.</p> | <p><i>confused or confounded by the question, you may wish to provide this example.</i></p> <p><i>This is the first time many participants will have ever talked openly about race and racism. Some may deny that they have ever witnessed or experience racism, which is why it is important to draw out others' experiences.</i></p> <p><i>Discussion about feelings may lead to discussion about how difficult it is to talk about racism and why.</i></p> <p><i>You may wish to point out, either by example or by past experience, that it is mostly people of color who remember when they first noticed the color of their skin—white people may have a memory of realizing that others were different colors, but usually not about their own skin color. This is often a first "a-ha" moment for white participants, who suddenly realize that racism has a constant, daily effect on people of color.</i></p> |
| <p>40 min.</p> | <p><u>Quadrant (NOTE: SEE ALTERNATIVE)</u></p> <p><i>Framing: To illustrate the fact that racism exists everywhere and in many forms, both inside and outside the legal system. Participants will share examples of racist acts, events and processes that they think apply to each category.</i></p> | <p><i>Both Facilitators One facilitator should</i></p> |

Activity: Four categories are indicated on the flip chart (or overhead or slide) like so:

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| <i>Obvious Intentional</i> ↳ | <i>Obvious Unintentional</i> ↯ |
| <i>Subtle Intentional</i> ↳ | <i>Subtle Unintentional</i> |

- It is best to begin with *Obvious Intentional* category because it is easiest for participants to come up with obvious, intentional forms of racism.
- Direct participants to identify examples that are as concrete and specific as possible.
- Write comments on the flip chart verbatim. If necessary ask for clarification and ask if what is written is accurate.
- If there is a disagreement, help participants realize that some examples may be placed in more than one category. Place the example in as many categories as participants feel it should go.
- If there is an example that you feel should be written down and has not already been suggested (i.e. internalized racism, racist jokes) ask the group where they feel that example should go on the chart. Your knowledge base can help broaden the perspective of the group.

Processing:

- Have participants look at the chart and reflect upon it. Ask participants how this exercise has affected the way they feel or the way they view racism.
- “Do ‘intentions’ of a person or organization affect the way you feel and think about the racist action?”
- Point out that the subjects of racism and race relations are not easily defined or delineated. They are complex and complicated. For example, racially charged humor may be viewed as racist in some contexts but not in others. (This example is a good way to talk about the issue of power in the racism equation, e.g., is the humor being used to elevate one race by subjugating another?)

keep the conversation going, and the other should serve as scribe.

Encourage the participants to think of examples which are not directly related to the legal system (TV, movies, racist jokes, etc.), and then those which do relate more directly to the legal system and profession. Encourage examples not only of judicial matters such as criminal sentencing, but also examples such as access to the system, and professionalism examples (such as employment policies of firms and courts, client relationships, etc.). The examples may go back and forth between legal/non-legal and the various quadrants.

If the group is large and/or time is short, it may be helpful to divide up the group, have them fill out handout-sized charts in the small groups, and then report back to the larger group, with each reporter adding to the combined chart items which were not previously put there. Get everything on the chart, and then talk about which items might be placed in multiple quadrants.

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| <p>25 min.</p> | <p><u>“Mini” Strategy Session</u> <i>Framing: In the fifth session of this program, we will spend a great deal of time working on strategies to eliminate racism. Today, however, as we near the end of our session, let’s briefly look at some interim strategies we can employ to confront racism.</i></p> <p>Have participants brainstorm things they can do—large and small—to confront and eliminate racism:</p> <ul style="list-style-type: none"> • in the next week • in the next month • in the next three months <p><u>ALTERNATIVE: VIDEO AND DISCUSSION</u></p> <p><i>If this session is part of a full-day or six-week program, facilitators may wish to substitute a video and discussion for the Quadrant Exercise and Mini Strategy Session. The recommended video is “Race: The Power of an Illusion,” Volume I. This series is very fact- and research- based. Volume One (53 minutes) discusses the genetic and biological nature of race, concluding that there is very little genetic and biological difference among persons of different skin colors. Discussion questions can include:</i></p> <p><i>What does this film tell us about race? About racism?</i></p> <p><i>Is there a difference between race as a genetic/biological matter and race as a cultural/sociological phenomenon? Is this an important distinction? Why?</i></p> <p><i>Is it possible to have a “color blind” society today? Will it ever be possible?</i></p> | <p><i>Both facilitators, one running the brainstorming, and the other serving as scribe.</i></p> <p><i>If today’s session is part of a six-session program, this exercise is optional; it might be more advantageous to spend additional time on the previous exercises. If this session is stand-alone, or if there will be a large gap of time between this session and another, this section will provide some solid conclusion to the session.</i></p> |
| <p>5 min.</p> | <p><u>Check Out</u> <i>Framing: Thank you all for participating. We have come to the end of the first session of Racism Dialogues. Before you leave we would like to do one more short exercise.</i></p> | <p><i>Both facilitators.</i></p> <p><i>Although participation is strongly encouraged if someone would like to pass they are allowed.</i></p> |

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| | <p><u>Activity</u>: Ask participants to share one thing they are feeling or taking away from today’s session, in 25 words or less.</p> <ul style="list-style-type: none"> • Ask for a volunteer to start. • Instruct that participant to pick a direction for the next person to respond. • Go around the circle for everyone’s response. • (If applicable) Preview Session II. Stress the importance of being on time. • Homework: Observations (Ask participants to keep their eyes open to any situations around them that may have racial implications; i.e., movies they see, interaction between strangers at the grocery store, or an article in a magazine or newspaper or a book they have read.) <p>Remind the group of the guidelines, especially Confidentiality.</p> | <p><i>If this is a stand-alone session, thank everyone for participating.</i></p> <p><i>“Homework” should be assigned, even if this is a stand-alone session. The idea is to encourage participants’ critical consciousness on matters concerning race and racism.</i></p> |
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Quadrant Example

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| <p><u>Obvious Intentional</u></p> <ul style="list-style-type: none"> • Hate groups • Hate crimes • Crossing street/Clutching purse/Locking car doors when person of color walks by • Jim Crow-type laws • Stereotypes • Racist jokes • History (slavery, holocaust, etc.) • Tokenism • Media • Redlining • Stereotyping • Culture (the history we are making everyday & the undervalue of individuals based on their culture) • Inferior treatment of people of color in restaurants, stores, hotels, etc. | <p><u>Obvious Unintentional</u></p> <ul style="list-style-type: none"> • Racist jokes • Stereotyping • “You didn’t sound Black” • “You are a credit to your race” • Media • Targeted Marketing • Dress codes • Assumptions on where someone lives, what they eat based on their race • Culture (the history we are making everyday & the undervalue of individuals based on their culture) • Thoughts/behaviors passed down through family • Standardized Testing |
| <p><u>Subtle Intentional</u></p> <ul style="list-style-type: none"> • Assumptions of athletic abilities based on race • Making a joke/comment then saying “Just kidding” • Media • Being ignored or followed in stores • Differential enforcement of rules • Code words • Changing the way you greet someone based on their race • Selective neighborhood redevelopment • Problematizing • Culture (the history we are making everyday & the undervalue of individuals based on their culture) | <p><u>Subtle Unintentional</u></p> <ul style="list-style-type: none"> • Internalized racism • Media • White privilege • Standards of beauty • “That’s Ghetto” • Team logos (Washington Redskins) • Thoughts/behaviors passed down through family • Assuming cultural similarities (African Americans vs. Somalis) • Asking someone to speak for their racial/ethnic group • Minimizing, Denying, Blaming • Tokenism • Culture (the history we are making everyday & the undervalue of individuals based on their culture) |

SESSION 2 **“HOW RACISM DEVELOPS”**

PURPOSE: TO REACH FURTHER UNDERSTANDING ABOUT THE BASIS OF RACE AND RACISM

OUTCOMES: AS A RESULT OF THIS SESSION, PARTICIPANTS WILL:

- BE MORE COMFORTABLE IN DISCUSSING THEIR PERCEPTIONS ABOUT RACE IN A STURCTURED WAY.
- RECOGNIZE AND ACCEPT THEIR RESPONSIBILITIES TO CHALLENGE RACISM ON PERSONAL, SOCIAL, AND PROFESSIONAL LEVELS.

OUTLINE:

- REVIEW SESSION I AND GUIDELINES (5)
- VIDEO BY JANE ELLIOT (60): A CLASS DIVIDED:
- DEBRIEFING (25)
- HOW RACE TURNS INTO RACISM (25)
- CHECK OUT/PREVIEW SESSION III/HOMEWORK*(5)
 - *OBSERVATIONS
 - *WHITE PRIVILEGE ARTICLES (ROBERT JENSEN)

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| 30 min. <i>(before session starts)</i> | <p><u>Logistics Check</u> Refreshments (if provided) Sign-In sheet Nametags In Session Sign Sessions Overview Poster Guidelines Poster Expectations Flip Chart/Markers Masking Tape TV/VCR Video by Jane Elliot Quotes: MLK, Jr. and Maya Angelou</p> | <p><i>Set-up: Chairs set into a circle facing each other. Name tags on chairs with markers available. Sign-in sheet next to door. Guidelines and Sessions Overview on the wall. Flipchart at head of circle.</i></p> |
| 5 min. | <p><u>Review Session I and Guidelines</u></p> | |
| 60 min. | <p><u>“A Class Divided”</u> <i>Framing: A 15-year reunion of the third-grade students who participated in the “blue eyes/brown eyes” experiment in 1968. Their teacher Jane Elliot wanted to illustrate racial prejudice for her students who were isolated from such issues in rural Iowa. She demonstrates for them what it is like to be discriminated against because of physical traits over which you have no control. She also shows how this experiment affects adults.</i></p> <p><u>Activity:</u> Video and discussion</p> <p><u>Debriefing:</u></p> | <p><i>The debriefing questions can be used to prompt a conversation if one hasn’t started right away.</i></p> <p><i>Both Facilitators</i></p> <p><i>If no one says these things, try to elicit them from the group: -How rapidly the dominant group</i></p> |

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| 25 min. | <ul style="list-style-type: none"> • Was there one thing that stood out for you? • What surprised you? • How was Jane Elliot able to execute her plan (Power/Authority) • What were some of the behaviors you saw as a result of the experiment (from both blue-eyed and brown-eyed perspective)? • What solution(s) to the problem of racism can we draw from Jane Elliot's experiment? | <p><i>asserted their role.</i> <i>-How self-esteem plummeted among the subordinate group.</i> <i>-How they accepted Jane Elliot's lies.</i> <i>-How the objective flash cards reflected their confidence.</i></p> |
| 25 min. | <p><u>How "Race Turns into "Racism</u></p> <p><i>Framing: Eye-opening as this video is, let's remember that we are not just talking about kids in Iowa. Jane Elliot's experiment was to increase awareness of a very real and current problem, and it isn't a stretch to apply these experiences to our own towns, schools, offices, and courthouses. In the video we saw the students exhibit all the characteristics of how racism is perpetuated in this society.</i></p> <p><u>Activity:</u> Working together, we are going to generate a model for the perpetuation of racism by recalling what we saw in the video.</p> <p>1(a) We know that Jane Elliot had the Power and Authority to execute the experiment;</p> <p>1(b) And what gave her the Power and Authority was the Institutional Structure, the classroom/school, in which she was the teacher;</p> <ol style="list-style-type: none"> 2. How did she execute her plan; what did she do (essentially, she lied and placed value judgments that were not in fact related to the truth). 3. How or why did the kids buy into this (because she had the power). 4. Now you see where the Power comes into play. 5. Now that we talked about how the kids bought into it, how did the kids who were on the bottom react? What did they feel and how did they act? 6. What about the kids on top; how did they respond? 7. Now that we've talked about how Jane executed the experiment, let's talk about real life. European (white) Americans are in power. They established their | <p><i>Both facilitators.</i></p> <p><i>While conducting this exercise, refer to the "Development & Perpetuation of Racism" chart, filling in the bolded words in the appropriate spaces.</i></p> |

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| <p>5 min.</p> | <p>power through various institutions (government, business, legal system, educational system). How did they do this? First, they developed a false sense of superiority over persons of other races. This was a value judgment which was not related to reality, and it was therefore a lie. Because the European Americans had resources, they were able to develop an institutional structure for society. The value judgment, as it was perpetuated through the institutions, became a stereotype.</p> <p>8. What has allowed these lies/stereotypes and value judgments to continue? (List here various societal institutions: family, government, legal system, business, media, education.</p> <p>9. Because of how this power was established and perpetuated through the institutions, people on the top and bottom believed the stereotypes and acted on them. This is called socialization.</p> <p>10. (a) The effect of socialization is separation between those on top and those on the bottom; and (b) This separation affects the relationship between those on top and on bottom because it continues to perpetuate the stereotypes, as the groups don't communicate and know each other.</p> <p>11. This separation therefore leads to prejudice.</p> <p>12. PREJUDICE + POWER = RACISM</p> <p>The issue, then, is to find the parts of the socialization process where the cycle of racism can be broken.</p> <p>Pass out quotes by MLK, Jr. (separation) and Maya Angelou (prejudice)</p> <p><u>Check Out</u> <i>Framing: Thank you all for participating. We have come to the end of Session II of Racial Justice Dialogues. Before you leave we would like to do one more short exercise.</i></p> <p><u>Activity:</u> Ask participants to share one thing they are feeling or taking away from today's session.</p> <ul style="list-style-type: none"> • Ask for a volunteer to start. • Instruct that participant to pick a direction for the next person to respond. • Go around the circle for everyone's response. • (If appropriate) Preview Session III. | |
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| | <ul style="list-style-type: none"> • Homework: Suggested Readings on White Privilege. http://uts.cc.utexas.edu/~rjensen/freelance/whiteprivilege.htm • Homework: Observations (Ask participants to keep their eyes open to any situations around them that may have racial implications; i.e., movies they see, interaction between strangers at the grocery store, or an article in a magazine or newspaper or a book they have read.) • Remind them of the guidelines, especially Confidentiality. | <p><i>If this is a stand-alone session, thank everyone for coming.</i></p> |
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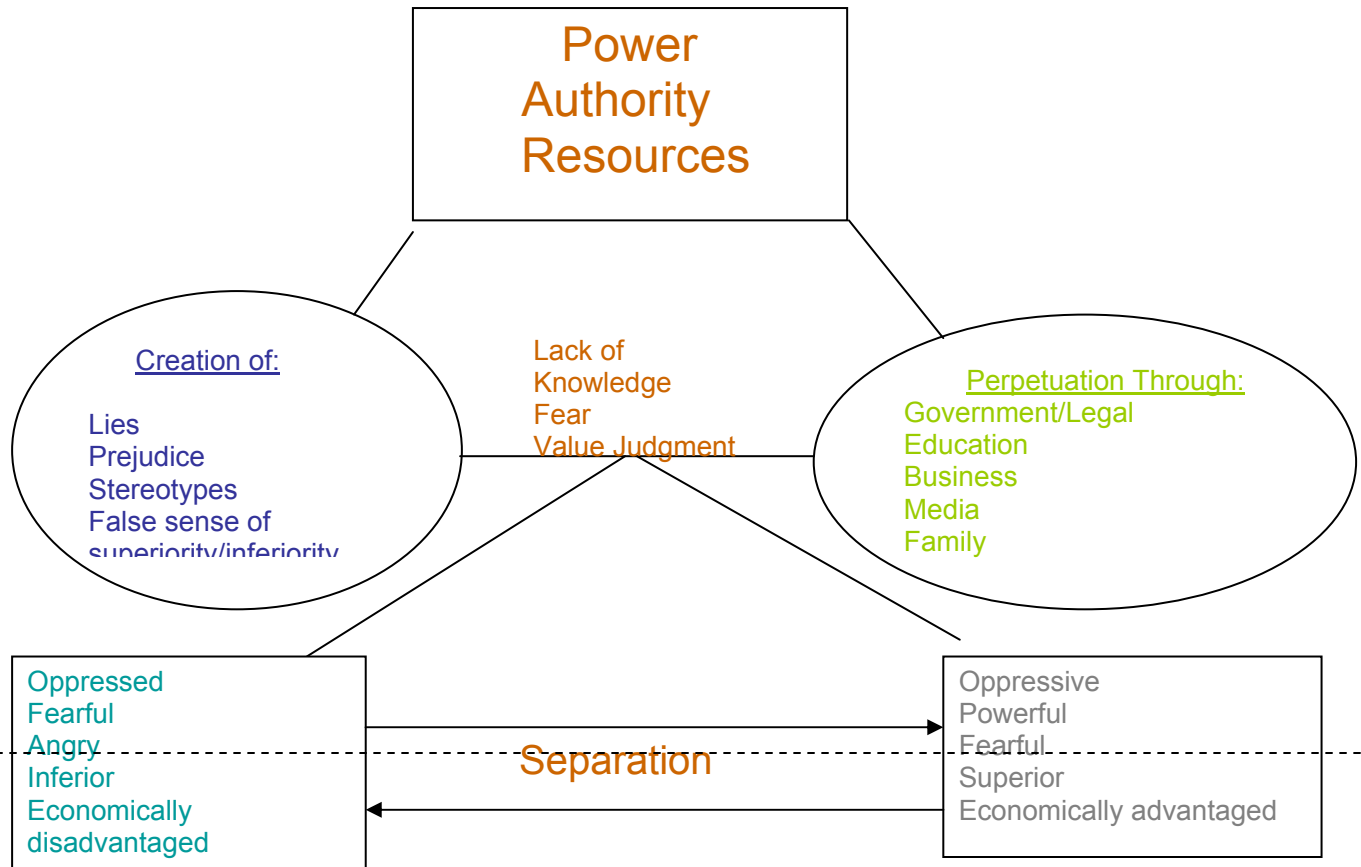
“Men hate each other because they fear each other, and they fear each other because they don’t know each other, and they don’t know each other because they are often separated from each other.”

Dr. Martin Luther King, Jr.

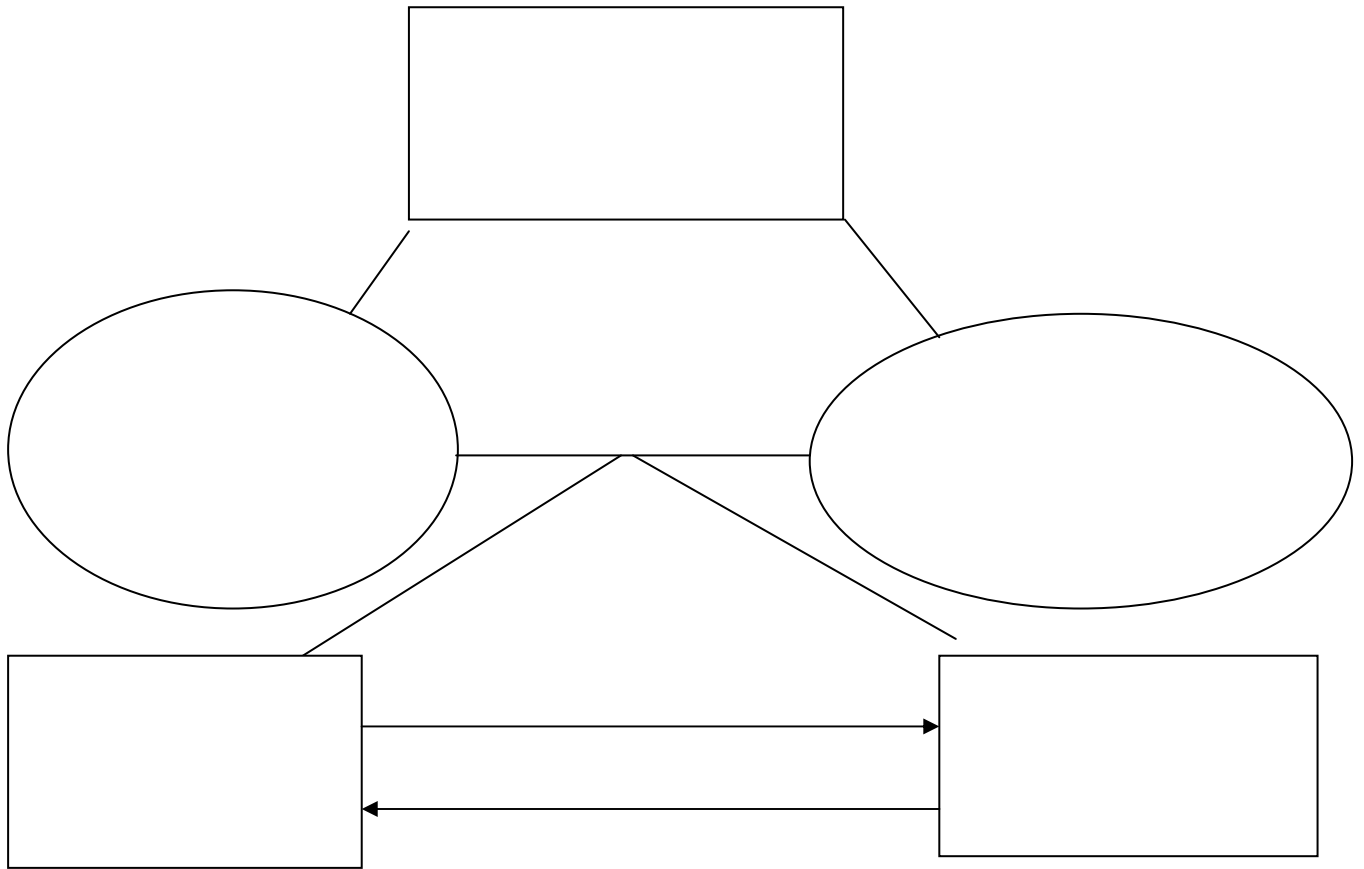
“PREJUDICE IS A BURDEN THAT
CONFUSES THE PAST, THREATENS THE
FUTURE AND RENDERS THE PRESENT
INACCESSIBLE.”

-Maya Angelou

Development & Perpetuation of Racism: A Sociological Model



Development & Perpetuation of Racism: A Sociological Model



Bland Chart

SESSION 3
“THE POWER AND PREVALENCE OF RACISM”

PURPOSE: TO EXPLORE THE SUBTLE AND OBVIOUS FORMS OF RACISM IN OUR SOCIETY.

OUTCOMES: AS A RESULT OF THIS SESSION, PARTICIPANTS WILL:

- REACH A DEEPER COMFORT LEVEL FOR SHARING.
- RECOGNIZE THAT RACISM IS REAL AND CURRENT IN OUR COMMUNITY.
- UNDERSTAND THE EFFECTS OF WHITE PRIVILEGE AND ITS RELATIONSHIP TO RACISM.
- BE ABLE TO RECOGNIZE THE SUBTLE FORMS OF RACISM.

- OUTLINE:**
- REVIEW SESSION II AND GUIDELINES (5)
 - CHECK-IN/OBSERVATIONS (15)
 - “WHAT DOES IT MEAN TO BE ...?” (20)
 - PRIVILEGE WALK OR ALTERNATE EXERCISE (45)
(ALTERNATE: VIDEO (65))
 - QUADRANT EXERCISE (30)
 - CHECK OUT /PREVIEW SESSION IV/HOMEWORK* (5)
*OBSERVATIONS

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| 30 min. (before Session starts) | <p><u>Logistics Check</u> Refreshments (if provided) Sign-In Sheet Nametags In Session Sign Sessions Overview Poster Guidelines Poster Expectations Flip Chart/Markers Masking Tape “Wha does it mean to be...?”/Flip Chart Quadrant Chart/Flip Chart Robert Jensen Quote See Logistics Notes & Checklist</p> | <p><i>Set-up: Chairs set into a circle facing each other. Name tags on chairs with markers available. Sign-in sheet next to door. Guidelines and Session Overview on the wall. Flipchart at head of circle.</i></p> |
| 5 min. | <p><u>Review Session II and Guidelines</u></p> | <p><i>Both Facilitators</i></p> |
| 15 min. | <p><u>Check In/Observations</u> <i>Framing: Welcome back to Racial Justice Dialogues. Last session we asked you to keep your eyes open to any situations around you that may have racial implications whether it was a movie you saw, an interaction between strangers at the grocery store, or an article in a magazine or newspaper or a /book you read. Let’s go around the room and share anything that you observed in the past week.</i></p> | <p><i>If this is a stand-alone session, use the guidelines and introduction from Session One.</i></p> |

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| | <p><u>NOTE: ALTERNATIVE PROGRAM</u></p> <p><i>The following two sections (“What does it mean to be...” and “Privilege Walk”) are very effective exercises, but only if the group includes at least 2 or 3 persons of color. If that is not the case, please consider the alternative activity, which when combined with the Quadrant exercise afterwards, is extremely effective.</i></p> <p><u>“What does it mean to be...?”</u></p> <p><i>Framing: To provide an opportunity for participants to reflect on what skin color means in the U.S. and the differences in perspectives based on skin color.</i></p> <p><u>Activity:</u></p> <ul style="list-style-type: none"> • The facilitators will separate the group into two groups: the people of color (poc) and white participants. • Before the session starts decide which group is smaller. Whichever group is smaller will be taken outside the room for the activity. • One facilitator asks the people of color to join them in another room (if they are the smaller group) or stay with them while the rest of the group joins the other facilitator outside the room (if they are larger). • Once the groups have separated, the facilitator with the people of color will ask: “What does it mean to you to be a person of color in the U.S.?” and write down the responses on a piece of flip chart paper(s). • The facilitator with the remaining participants will ask them: “What does it mean to you to be white in the U.S.?” And list these words/phrases on flip chart paper(s). <p>After both groups have come up with a list, bring the two groups back together.</p> <p>Compare and discuss the lists and what the differences and similarities mean.</p> | <p><i>Both Facilitators</i></p> <p><i>White people often have difficulty with this. Typical responses have been “But I’m not white, I’m just a human being,” or “I’m just me, I’m not part of a group.” This is a significant difference from the experience of people of color, who are often treated as a group.</i></p> |
| <p>20 min.</p> <p>45 min.</p> | <p><u>Privilege Walk</u> (Use as appropriate for group.)</p> <p><u>Activity:</u> Stand in a straight line in the middle of the room. Hook elbows. We will read a series of statements one at a time. Please listen carefully to each statement as it relates to you. Depending on your response to the statement, you will be instructed to</p> | <p><i>Both Facilitators</i></p> <p><i>One facilitator frames; both read statements alternately.</i></p> <p><i>Add ground rules:</i></p> <ul style="list-style-type: none"> • <i>Take a normal stride.</i> |

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| | <p>either take a step forward or take a step back. Unhook elbows if the person next to you moves in a different direction. PLEASE REMAIN SILENT THROUGHOUT THE ACTIVITY, BUT LOOK AT EACH PERSON'S POSITION AFTER EACH STATEMENT.</p> <ol style="list-style-type: none"> 1. If one or both of your parents <u>never</u> completed <u>high school</u>, move one step back. 2. If one or both of your parents <u>completed college</u>, move one step forward. 3. If your home, as a child, had <u>more</u> than <u>10</u> children's books move one step forward. 4. If your home, as a child, had <u>more</u> than <u>30</u> adult books, move one step forward. 5. If you have ever been <u>harassed</u> or <u>disrespected</u> by police or someone else in authority because of your race or ethnicity, move one step back. 6. If your racial group has ever been considered "<u>inferior</u>", move one step back. 7. If you have ever entered a store and had sales clerks or security guards <u>follow you</u> because of your race or ethnicity, move one step back. 8. If you have ever been told that someone <u>hated</u> you because of your race, ethnicity, sexual orientation, or religion, move one step back. 9. If you fail to get a deserved promotion, partnership, case assignment, or appointment and you <u>don't</u> have to consider whether your race had something to do with it, take a step forward. 10. If you have ever practiced law in a firm, or business where the <u>majority</u> of your co-workers are of your <u>same</u> race, move one step forward. 11. If you are a judge and sit in a county where the <u>majority</u> of judges are of your <u>same</u> race, take one step forward. 11. If you can get your hair done or cut in almost <u>any</u> salon or barbershop, move one step forward. 12. If you read <u>a lot</u> about your race in your Kindergarten-High School history books, move one step forward. 13. If you can choose a hotel or restaurant <u>without</u> fearing that you will be mistreated because of your race, take one step forward. 14. If you or your parents had to spend any amount of time on public assistance, move one step back. 15. If you question whether your opinion <u>matters</u> in a group where you are the <u>only member</u> of your race, take a step backward. 16. If you can be <u>late</u> to a meeting without worrying about how it will <u>reflect</u> on your race, take a step forward. | <ul style="list-style-type: none"> • <i>Don't take a baby step to make yourself – or someone else – look better.</i> <p><i>If you have a homogenous group, use the alternate activity.</i></p> <p><i>Many participants find this exercise to be very powerful, particularly those persons who are sensitive to visual cues.</i></p> |
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17. If you have ever heard a racist joke or racist comment, move one step back.
18. If you have ever heard a racist joke or racist comment and didn't say anything because you felt uncomfortable, take one step back.
19. If you can leave this session today and not have to think about your race again until the next session, take a step forward.

Processing:

- Instruct participants to look around the room and notice where everyone is at the end of the exercise.
- Ask participants to rejoin the circle.
- “How did you feel in your position at the end?”
- “What did you notice about your reaction as the exercise progressed?”
- “What did you think and feel when you looked around at the end? Was there anything that surprised you about people’s positions, or your own position?”
- “What does this exercise show us?”
- “What does the connection between power and privilege mean in real life/on a personal basis?”
- “What do you think it means to have power in our society?”
- “What would it take for everyone to move forward together?”

Points to Emphasize:

1. None of the statements made during the exercise was about an individual’s choice or decision.
2. The exercise doesn’t demonstrate or say anything about how hard people worked, how smart they are, or how well intentioned or determined they are.
3. If we had asked everyone to “run to the wall” at the end of the exercise – like it was a race – it wouldn’t matter how hard or how fast the folks in the back of the room ran, they would never be able to catch up. How might this relate to statements such as, “People of color have to be twice as qualified as white people.”?
4. The playing field is not level. Race continues to have significant influence on people’s access to opportunities in this society.

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| 60 min. | <p><u>Alternate Activity: Video—“Race: The Power of an Illusion” Vol 3-“The House We Live In.”</u></p> <p><i>Framing: The concepts of historical and institutional racism, and of white privilege, can seem very abstract. This film will give us a more tangible and factual basis for discussion of how pervasive racism has been in American society. Please pay attention to examples in this film of racism which may not be explicit or intentional.</i></p> | <p><i>Both Facilitators.</i></p> <p><i>“The House We Live In” provides a factual, research-based analysis of institutional racism and white privilege in American society. Of particular note in the film is the documentation of the history of housing finance laws since World War II. The film shows that the racially discriminatory mortgage lending laws and rules put into place as part of the GI Bill created a racial division of material wealth that exists even today, long after race discrimination in lending was prohibited by law.</i></p> <p><i>A discussion of the film can be facilitated using the Quadrant exercise. Instead of having the group fill in the quadrants with general examples of the various forms of racism, ask the group first to use examples from the film. Feel free to use any of the examples generated as a jumping-off point for further discussion.</i></p> |
| 30 min. | <p><u>Quadrant</u></p> <p><i>Framing: In Session One of this program, we took an initial look at the subtle and not-so-subtle forms of racism in our society. Let’s complete this chart again, and see if your awareness of racism produces any additional examples.</i></p> <p><u>Activity:</u> Four categories are indicated on the flip chart, overhead, or slide, like so:</p> | <p><i>Both Facilitators</i></p> <p><i>The Quadrant exercise stimulates thought about specific kinds of racist events, actions and processes that the participants are aware of. Doing this exercise as a group increases the knowledge base of every participant and enables each to recognize racism in the future. An enormous</i></p> |

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| <p><i>Obvious Intentional</i> ↳</p> | <p><i>Obvious Unintentional</i> ↯</p> | <p>amount of new information can be brought into discussion in a non-threatening manner. Participants are asked to share information that is not limited to only their personal experience, but can include what they have heard from others, read about, or information received through various other media.</p> |
| <p><i>Subtle Intentional</i> ↳</p> | <p><i>Subtle Unintentional</i></p> | |
| <ul style="list-style-type: none"> • It is best to begin with <i>Obvious Intentional</i> category because it is easiest for participants to come up with obvious, intentional forms of racism. • Direct participants to identify examples that are as concrete and specific as possible. • Write comments on the flip chart verbatim. If necessary ask for clarification and ask if what is written is accurate. • If there is a disagreement, help participants realize that some examples may be placed in more than one category. Place the example in as many categories as participants feel it should go. • If there is an example that you feel should be written down and has not already been suggested (i.e. internalized racism, racist jokes) ask the group where they feel that example should go on the chart. Your knowledge base can help broaden the perspective of the group. | | <p><i>Racism is not always what is said, but what is not said, such as not interrupting when someone makes a racist comment.</i></p> <p><i>The facilitators should help the group focus on new examples, not mentioned in Session One—particularly those examples which are based upon their observations in their professional lives. What examples do they see at their law firms? In their courtrooms? In their interaction with colleagues and clients?</i></p> <p><i>This exercise is the lead-in to the discussion next session regarding Institutional Racism</i></p> |
| <p>Processing:</p> <ul style="list-style-type: none"> • Have participants look at the chart and reflect upon it. Ask participants how this exercise has affected the way they feel or the way they view racism, particularly in the legal community and legal system. | | |
| <p>Check Out</p> <p><i>Framing: Thank you all for participating. We have come to the end of Session III of Racism Dialogues. Before you leave we would like to do one more short exercise.</i></p> | | <p><i>Although participation is strongly encouraged if someone would like to pass they are allowed.</i></p> |
| <p>Activity: Ask participants to share one thing they are feeling or taking away from today's session.</p> <ul style="list-style-type: none"> • Ask for a volunteer to start. • Instruct that participant to pick a direction for the next person to respond. | | |

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| | <ul style="list-style-type: none">• Go around the circle for everyone's response.• Preview Session IV• Homework: Observations• Remind them of the guidelines, especially Confidentiality. | |
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**WE ALL ARE THE PRODUCT
BOTH OF WHAT WE WILL
OURSELVES TO BE AND
WHAT THE SOCIETY IN
WHICH WE LIVE LETS US BE.**

~ROBERT W. JENSEN

TYPES OF RACISM: Example Quadrant

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| <p style="text-align: center;"><u>Obvious Intentional</u></p> <ul style="list-style-type: none"> • Hate groups • Hate crimes • Jim Crow laws • Stereotypes • Racist jokes • History (slavery, holocaust, etc.) • Tokenism • Media • Redlining • Stereotyping • Culture (the history we are making everyday & the undervalue of individuals based on their culture) • Inferior treatment of people of color in restaurants, stores, hotels, etc. | <p style="text-align: center;"><u>Obvious Unintentional</u></p> <ul style="list-style-type: none"> • Racist jokes • Stereotyping • “You didn’t sound Black” • “You are a credit to your race” • Media • Targeted Marketing • Dress codes • Assumptions on where someone lives, what they eat based on their race • Culture (the history we are making everyday & the undervalue of individuals based on their culture) • Thoughts/behaviors passed down through family • Standardized Testing |
| <p style="text-align: center;"><u>Subtle Intentional</u></p> <ul style="list-style-type: none"> • Assumptions of athletic abilities based on race • Making a joke/comment then saying “Just kidding” • Media • Being ignored or followed in stores • Differential enforcement of rules • Code words • Changing the way you greet someone based on their race • Selective neighborhood redevelopment • Problematizing • Culture (the history we are making everyday & the undervalue of individuals based on their culture) | <p style="text-align: center;"><u>Subtle Unintentional</u></p> <ul style="list-style-type: none"> • Internalized racism • Media • White privilege • Standards of beauty • “That’s Ghetto” • Team logos (Washington Redskins) • Thoughts/behaviors passed down through family • Assuming cultural similarities (African Americans vs. Somalis) • Asking someone to speak for their racial/ethnic group • Minimizing, Denying, Blaming • Tokenism • Culture (the history we are making everyday & the undervalue of individuals based on their culture) |

SESSION 4 **“INSTITUTIONAL RACISM”**

PURPOSE: TO DEVELOP THE ABILITY TO IDENTIFY RACISM WITHIN INSTITUTIONS, PARTICULARLY THE LEGAL SYSTEM.

OUTCOMES: AS A RESULT OF THIS SESSION, PARTICIPANTS WILL:

- CONTINUE TO RECOGNIZE HOW POWER AFFECTS INDIVIDUALS.
- BE ABLE TO IDENTIFY RACISM WITHIN INSTITUTIONS OF LAW.
- UNDERSTAND HOW POLICIES AND PRACTICES PERPETUATES RACISM, PARTICULARLY WITHIN THE COURTS AND THE BAR.
- HAVE AN OPPORTUNITY TO DISCUSS ISSUES OF RACISM/RACE RELATIONS WHICH HAVE NOT ALREADY BEEN COVERED.

- OUTLINE:**
- REVIEW SESSION III AND GUIDELINES (5)
 - CHECK-IN/OBSERVATIONS (10)
 - INSTITUTIONAL RACISM IN THE COURTS AND THE BAR (60)
 - CONTINUING THE DIALOGUE (20)
 - CHECK-OUT/PREVIEW SESSION V/HOMEWORK* (5)
- *OBSERVATIONS

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| 30 min. (before Session starts) | <p><u>Logistics Check</u> Refreshments (if provided) Sign-In Sheet In Session Sign Sessions Overview Poster Guidelines Poster Expectations Flip Chart/Markers Masking Tape Institutional Racism Chart See Logistics Notes & Checklist</p> <p><u>Review Session III and Guidelines</u></p> | <p><i>Set-up: Chairs set into a circle facing each other. Name tags on chairs with markers available. Sign-in sheet next to door. Guidelines and Session Overview on the wall. Flipchart at head of circle.</i></p> |
| 5 min. 15 min. | <p><u>Check-In/Observations</u> <i>Framing: Welcome back to Racial Justice Dialogues. Let's go around the circle and share something that you observed during the week that may have had racial overtones. Remember, this could be something you saw on TV, read in a book or the newspaper or observed at the grocery or department store.</i></p> | <p><i>If this is a stand-alone session, please use the guidelines and introduction material in Session One.</i></p> |
| 60 min. | <p><u>Institutional Racism in the Legal System</u> <i>Framing: We've explored how the Power of those in charge affect individuals; now, we're going to illustrate</i></p> | <p><i>Both Facilitators</i></p> |

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| <p>20 min.</p> | <p><i>how such things as policies and procedures can affect one group of people completely differently than another group of people, this exercise helps participants develop concrete examples of how racism perpetuates itself within institutions, particularly institutions of the legal system.</i></p> <p>Activity: Now we are going to explore the question “How might racism be operating within legal institutions?”</p> <ul style="list-style-type: none"> • Pass out the Institutional Racism Charts. • Institutional racism is a big concept and one that is not always clear to participants. Therefore, you may have to define Institutional Racism for the group (Any policy or practice of an organization/ institution, which benefits one race at the expense of other races). • Divide the group into two parts. One group should be assigned to the Courthouse chart, and the other to the Bar Association chart. • The goal of the exercise is fill in examples of institutional racism for each category on the chart. Focus on examples which may be prima facie legal, but which serve to perpetuate institutional racism. • Allow each group to fill in their particular sheet with examples for about 30 minutes and then come back together and go through the examples as a group. • Direct participants to list examples which are as concrete and specific as possible. As the group goes through the chart they may add examples to the various categories. Keep in mind some participants may disagree with some of the suggestions but encourage dialogue and list all of the examples. Help participants explore why some may think a suggestion can be racist and why others may not. • Once the chart is complete, look and reflect upon it. Ask what impact the participants think these policies will have on the legal system, and on society at large. <p>Continuing the Dialogue <i>Framing: We have spent the better part of four sessions talking about the origins of racism, its prevalence, and its perpetuation. The point of our program is to create dialogue, which leads to better communication, which leads to understanding, which</i></p> | <p><i>This exercise is an excellent way to illustrate what institutional racism is and raise the awareness of participants of where and how it exists.</i></p> <p><i>Note that some examples may come from past or present experiences as well as the imagination. One way to help the group come up with examples is to frame it as if they were creating a fictitious courthouse, and a fictitious county bar which are racist but legal.</i></p> <p><i>You may come across participants who want to list something that is sexist (or heterosexist, or ageist, etc.) but not racist. In these cases you should ask that participant to explain how that practice is racist. If they cannot, do not list it.</i></p> <p><i>Both Facilitators</i></p> <p><i>At this point in the Dialogue process, participants may feel frustrated because of the structured nature of the sessions. This is an</i></p> |
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| <p>5 min.</p> | <p><i>leads to finding common ground. This is your opportunity to talk about areas we may not have covered with respect to racism and race relations, or to talk in more depth about issues previously covered.</i></p> <p><u>Activity:</u> Facilitated dialogue. The group may be ready to jump in and talk. If not, the questions below may prompt discussion. Remind everyone of the guidelines.</p> <ul style="list-style-type: none"> • What has been the most surprising thing you have discovered about racial justice in this program? • Is there anything you would like to ask another member of the group, or one of the facilitators? • Is there anything you would like to say or explain to the group, one of the participants, or one of the facilitators? • Do lawyers/judges have any specific obligations with respect to confronting racism? Are they legal obligations? Moral obligations? <p><u>Check Out</u></p> <p><i>Framing: Thank you all for participating. We have come to the end of the Session IV of Racial Justice Dialogues. Before you leave we would like to do one more short exercise.</i></p> <p><u>Activity:</u> Ask participants to share one thing they are feeling or taking away from today's session.</p> <ul style="list-style-type: none"> • Ask for a volunteer to start. • Instruct that participant to pick a direction for the next person to respond. • Go around the circle for everyone's response. • (If applicable) Preview Session V • Homework: Observations • Remind them of the guidelines, especially Confidentiality. | <p><i>opportunity, albeit a brief one, for an open forum.</i></p> <p><i>Although participation is strongly encouraged if someone would like to pass they are allowed.</i></p> <p><i>If this is a stand-alone session, thank the participants for coming.</i></p> |
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LEVELS OF INSTITUTIONAL RACISM PRIVILEGE COUNTY COURTHOUSE

| Levels/Categories | Examples |
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| <p>Judges: Selection Retention Hierarchy Caseload Case Assignments Privileges Compensation Support</p> | |
| <p>Personnel/Admin.: Numbers, positions, salary levels Education, training, promotion, building administration, security</p> | |
| <p>Access by citizens: Civil matters; criminal matters</p> | |
| <p>Lawyers: Relationships with judges; collegiality; case assignments; racial composition; lawyer discipline; Bar Association</p> | |
| <p>Civil Procedure Types of cases, case assignments, motions, summary judgment, jury selection, appeals</p> | |
| <p>Procedural-Criminal: Court-appointed attorneys, law enforcement, plea bargains, jury selection, jury verdicts, appeals</p> | |

LEVELS OF INSTITUTIONAL RACISM PRIVILEGE COUNTY BAR ASSOCIATION

| <u>LEVELS/CATEGORIES</u> | Examples |
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| <p>Lawyers: Admission, practice specialties, bar association membership/activities, social support and networking</p> | |
| <p>Law Firms: Hiring, retention, promotion, partnership, department assignments, case assignments, support staff, personnel policies, compensation, atmosphere, offices</p> | |
| <p>Access: Availability of lawyers, pro-bono work, legal fees, types of cases, availability of specialists, geographical boundaries</p> | |
| <p>Judges: Bench/bar relationships, recruitment/selection of judges</p> | |
| <p>Other: Law schools, lawyer discipline, legal education</p> | |

SESSION 5

“CHALLENGING RACISM”

PURPOSE: TO DEVELOP STRATEGIES TO CHALLENGE RACISM.

OUTCOMES: AS A RESULT OF THIS SESSION, PARTICIPANTS WILL:

- BE ABLE TO RECOGNIZE THE RISKS, REAL OR IMAGINED, WHEN TRYING TO INTERRUPT RACISM.
- BE ABLE AND MOTIVATED TO INTERVENE APPROPRIATELY WHEN CHALLENGING RACISM.

- OUTLINE:**
- REVIEW SESSION IV AND GUIDELINES (5)
 - CHECK-IN/OBSERVATIONS (10)
 - RISKS (20)
 - STRATEGIES (60)
 - CHALLENGING RACISM SCENARIOS (20)
 - CHECK OUT/PREVIEW SESSION VI/HOMEWORK* (5)
- *OBSERVATIONS

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| 30 min. (before Session starts) | <p><u>Logistics Check</u> Refreshments (if provided) Sign-In Sheet In Session Sign Sessions Overview Poster Guidelines Poster Expectations Flip Chart/Markers Masking Tape Overhead Projector Challenging Racism Scenarios/Transparencies See Logistics Notes & Checklist</p> | <p><i>Set-up: Chairs set into a circle facing each other. Name tags on chairs with markers available. Sign-in sheet next to door. Guidelines and Session Overview on the wall. Flipchart at head of circle.</i></p> |
| 5 min. | <p><u>Review Session IV and Guidelines</u></p> | |
| 15 min. | <p><u>Check-In/Observations</u> <i>Framing: Welcome back to Racial Justice Dialogues. Let's begin by sharing any observations we've made this week that may have had racial overtones. TV, Books/Magazines, newspaper, grocery or department store.</i></p> | <p><i>If this is a stand-alone session, please use the guidelines/introduction in Session One.</i></p> |
| 20 min. | <p><u>Risks</u> <i>Framing: The focus of today's session is on challenging racism. This is not always an easy task. There are risks that go along with challenging racism, which we are going to assess right now.</i></p> <p><u>Activity:</u> Give the participants two scenarios and assess the risks involved in both.</p> <ul style="list-style-type: none"> • “In the first scenario you are with a group of friends when someone tells a racist joke. What | <p><i>Both Facilitators</i></p> |

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| 30 min. | <p>are the risks of interrupting that friend?”</p> <ul style="list-style-type: none"> • List the risks on the flip chart • (Judges) “Now we’re going to raise the stakes. You’re at a judicial conference, and a highly regarded judge makes what you consider to be a racist comment. What are the risks of challenging the comment?” • (Lawyers) “Now we’re going to raise the stakes. You are in a trial, and the presiding judge makes what you consider to be a racist remark. What are the risks of challenging the remark?” • List the risks on the flip chart. • “Ok, we’ve listed the risks of challenging racism with your friends and with your colleague or judge. What are the risks of not challenging racism?” • List these risks on the flip chart. • Review the lists. “Which do you think will have the worst consequences? Challenging racism or not challenging racism?” <p>Strategies <i>Framing: We have just practiced some ways to challenge racism in very specific situations. However, there are many different ways to challenge racism. We barely scratched the surface. Let’s list some more ways we can challenge racism in our daily lives.</i></p> <p>Activity: Encourage participants to list strategies for challenging racism (both verbal and non-verbal).</p> <p>Debriefing Question:</p> <ol style="list-style-type: none"> 1. How do you think you’ll be able to use some of these strategies in the future? | <p><i>Participants should decide that it is more detrimental to ignore the racist comments/ jokes. Without intervention racism will continue and people will not learn from their mistakes.</i></p> <p><i>Both Facilitators</i></p> <p><i>Start with general personal strategies (“educate myself”) and work up to specific strategies which can be used by law firms, courts, and bar associations. The results of this exercise can be used in Session Six, to spur ideas for the development of action plans.</i></p> |
| 50 min. | <p>Challenging Racism Scenarios: <i>Framing: Now that we have decided that it is necessary to challenge racism no matter what the situation, we are going to put this belief into practice.</i></p> <p>Activity: We are going to discuss a few scenarios and what strategies we could use in each. Add suggestions to the list of strategies.</p> <ol style="list-style-type: none"> 1. You are an associate, on a partnership track in a medium-size law firm. You are on a golf outing with some of the partners, several of whom can | <p><i>Both Facilitators</i></p> <p><i>This is a role-play exercise. Divide the group into 3’s and give them each a scenario. Give them 10 minutes to discuss with their group how they are going to act it out. They have two minutes to act out each skit. After everyone has performed, discuss the methods they used and</i></p> |

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| | <p>directly influence your partnership determination. The golf club at which you are playing has mostly white members; the staff is mostly black. One of the partners asks the golf cart attendant for a different cart. The attendant, who is African American, explains that his instructions are to assign carts in a particular order. The partner is rather rude to the attendant and then, after moving away from him, says to several people in the group (including you), "How stupid was he? I'm not a racist, but it's people like that guy who give blacks a bad name." Do you respond? How?</p> <p>2. You are a senior lawyer in the legal department of a Fortune 500 corporation. The department head has just promoted an African American woman to a senior lawyer position. A white male who applied for the position but did not get it tells you he has been discriminated against because of his race. How do you respond?</p> <p>3. You are a domestic relations lawyer, and you notice with some regularity that a particular courtroom bailiff treats members of the public differently on account of race. For example, she is rude and abrupt when talking to persons who are Latino or black, but very pleasant when talking to white persons. What do you do?</p> <p>4. You are a Municipal Court judge in a very busy courtroom. You rely heavily on the efficiency of your bailiff to keep your docket moving. You notice, however, that he (a white man) is much more polite and respectful to white persons than he is to black or Latino persons. You call him in to discuss this, and he denies this is the case. What do you do?</p> <p>5. You are an administrative judge in Common Pleas Court. You receive a report from a credible source that one of your colleagues on the bench told an overtly racist joke at lunch with some of his friends, all of whom are lawyers. What do you do?</p> <p>Pass out the Edmund Burke Quote</p> | <p><i>alternate methods they could have used.</i></p> <p><u>Debriefing Questions for Role Playing:</u></p> <ul style="list-style-type: none"> • <i>What are the important techniques people used?</i> • <i>What could have been done differently?</i> • <i>What other skills would you like to work on to do this more confidently and effectively?</i> <p><i>"The only thing necessary for the triumph of evil is for good men to do nothing." -EB</i></p> <p><i>Although participation is strongly encouraged if someone would like to pass they are allowed.</i></p> |
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| <p>5 min.</p> | <p><u>Check Out</u> <i>Framing: Thank you all for participating. We have come to the end of Session V of Racial Justice Dialogues. Before you leave we would like to do one more short exercise.</i></p> <p><u>Activity:</u> Ask participants to share one thing they are feeling or taking away from today’s session.</p> <ul style="list-style-type: none"> • Ask for a volunteer to start. • Instruct that participant to pick a direction for the next person to respond. • Go around the circle for everyone’s response. • (If appropriate) Preview Session VI: “Action Planning” • Homework: Observations • Remind them of the guidelines, especially Confidentiality. | <p><i>If this is a stand-alone session, thank the participants for coming.</i></p> |
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**"The only thing
necessary for
the triumph of
evil is for good
men to do
nothing."**

-Edmund Burke

Session 6 **“Action Planning”**

PURPOSE: TO BUILD UPON THE FOUNDATION SET DURING PREVIOUS SESSIONS BY SHARING IDEAS AND DEVELOPING ACTION PLANS TO ELIMINATE RACISM.

OUTCOMES: AS A RESULT OF THIS SESSION, PARTICIPANTS WILL:

- BE ABLE TO USE THEIR SHARED UNDERSTANDING TO INFLUENCE OTHERS.
- BE ABLE TO DEVELOP ACTION PLANS THAT NEED TO BE IMPLEMENTED IN ORDER TO ELIMINATE RACISM.

- OUTLINE:**
- REVIEW SESSION V AND GUIDELINES (5)
 - CHECK-IN/OBSERVATIONS (10)
 - TEARING DOWN RACISM (20)
 - BRAINSTORM ORGANIZATIONAL ACTION PLANS (60)
 - SELF-COMMITMENT LETTER (OPTIONAL/10)
 - CLOSE OUT/SUMMARY (20)

ENCOURAGE THE GROUP TO CONTINUE THE DIALOGUE!

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| 30 min. (before Session starts) | <p><u>Logistics Check</u> Refreshments (if provided) Sign-In Sheet In Session Sign Sessions Overview Poster Guidelines Poster Expectations Flip Chart/Markers Masking Tape Transcripts Action Planning Sheets Self-Commitment Letter (optional) Post-Test Evaluation Certificates See Logistics Notes & Checklist</p> | <p><i>Set-up: Chairs set into a circle facing each other. Name tags on chairs with markers available. Sign-in sheet next to door. Guidelines and Session Overview on the wall. Flipchart at head of circle.</i></p> |
| 5min. | <p><u>Review Session V and Guidelines</u></p> | |
| 15 min. | <p><u>Check-In/Observations</u> <i>Framing: Welcome back to Racial Justice Dialogues. Let’s go around the circle and share something that you observed during the week that may have had racial overtones.</i></p> | <p><i>Both Facilitators. If this is a stand-alone session, please use the guidelines and introduction from Session One.</i></p> |
| 20 min. | <p><u>Tearing Down Racism</u> <i>Framing: Last week we discussed strategies to challenge racism when it appears. Today we are going to discuss ways to eliminate racism proactively.</i></p> | |

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| | <p><u>Activity:</u> Now that we have become more aware of the various aspects of racism; the societal structures that allow racism to exist, it is time for us to become responsible for tearing down those structures in our lives. As we continue to build shared collective commitment to become effective change agents in eliminating racism, it is fundamental that we begin our action steps.</p> <ul style="list-style-type: none"> • What strategies can we develop as part of our daily lives that could fight racism? It is important to remember that people can't read our minds or see our intentions---they can only judge our changed attitudes from our words and behaviors. So, what can we say or do differently? How can we act differently? | <p><i>Have participants use their answers to complete their self-commitment letters.</i></p> <p><i>Use lists developed in Session Five as a starting place</i></p> <p><i>Write responses on flip chart.</i></p> |
| 10 min. | <p><u>Self-Commitment Letter</u> We would now like for you to complete the Self - Commitment Letter. We will mail these back to you in three months so you can be reminded of what you are holding yourself responsible. Please place them in the attached envelope and address them to yourself so we may return them to you.</p> | <p><i>Both Facilitators</i></p> <p><i>To get participants to come up with action plans you may give the following instructions: "Imagine the ideal world where you have the commitment and support of everyone to eliminate racism within your organization. What kinds of things would you and your group like to see happen, now and in the future, in order to eliminate racism? No idea is wrong. Write down everything that comes to mind. Later on we can go back and work on these, but for now just let your creativity and imagination soar!"</i></p> |
| 60 min. | <p><u>Brainstorm Organizational Action Plans</u> <i>Framing: We are now going to embark on the critical "next step" in the process of developing a critical consciousness and putting it to good work. You will have an opportunity to put into operation the ideas and strategies you have been identifying and exploring for the past several sessions in an effort to challenge racism in concrete ways.</i></p> <p><u>Activity:</u> We will develop concrete action plans for your profession to eliminate racism.</p> <ul style="list-style-type: none"> • Pass out Organizational Action Plan sheets • Determine 3-5 different organizations for which action plans can be made. These may be, for example, big/small/medium law firms, courthouses, courtrooms, bar associations, corporate/government law groups, legal aid societies, or public defenders' offices. • If you have more than 15 participants you may want to divide them up into 4-5 groups. • Instruct the participants to develop as many action plans as possible. If the participants are in groups give them 20-30 minutes and fill in their sheets and ask one volunteer in each | <p><i>What kinds of things would you and your group like to see happen, now and in the future, in order to eliminate racism? No idea is wrong. Write down everything that comes to mind. Later on we can go back and work on these, but for now just let your creativity and imagination soar!"</i></p> <p><i>Rules for Brainstorming:</i></p> <ul style="list-style-type: none"> •Do not discuss ideas—keep the words coming! •Do not judge ideas (good or bad). •Repeating ideas is fine. •"Piggybacking" off someone else's idea is fine. •The more ideas, the better. |

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| <p>10 min.</p> | <p>group to volunteer to write down all the suggestions verbatim on a piece of flip chart paper to present to the whole group later.</p> <ul style="list-style-type: none"> • After the 20-30 minutes are up instruct the participants to rejoin the circle. The remainder of the time will be used to go over the action plans developed in the small groups. • Ask for one volunteer from each group to read the action plans developed in their group. • As the action plans are read aloud one facilitator should write them on the flip chart. • If they remain in one big group write down all suggestions on the flip chart verbatim. Remember this is brainstorm, so there is to be no discussion of the ideas yet. Just keep the ideas flowing. • After all the action plans have been read or suggested, ask the group which 5 action plans they would like to make more concrete so they can be presented to the senior staff of the organization. • After the group has picked the action plans they would like to work on, work through each of the action plans to make them more concrete. <p><u>Processing Questions</u></p> <ol style="list-style-type: none"> 1. Let's prioritize the action plans based on more viable actions, available resources and most needed. 2. Who should take responsibility for these action plans? 3. What are ALL the resources that will be needed to fulfill the action plans? 4. What are some realistic timetables for the action plans to be accomplished? <p><u>Check-Out</u></p> <p><i>Framing: Thank you for participating the past few weeks. We have enjoyed working with you and hope you have learned some valuable tools for challenging racism in your lives. Before we let you go we would like for you to complete a few forms for our records.</i></p> <ul style="list-style-type: none"> • Complete Evaluation/Post-Test • Thank you again for participating. Let's just go around the room one last time and say one thing we are feeling or taking away. • Encourage the group to CONTINUE THE DIALOGUE! | <p>•<i>Wait for the silences to end—the greatest creativity follows!</i></p> <p><i>Both Facilitators</i></p> |
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Organizational Action Plan

Organization:

Team Members:

(Name of Project or Action)

| Action | Responsible Person(s) | Resources Needed | Timeline | Completed |
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Next Step(s):

Example
Organizational Action Plan

Organization: Privilege County Bar Association

Team Members: Joe Proforma, Linda Perse

Anti-Racism Education for
PCBA
(Name of Project or Action)

| Action | Responsible Person(s) | Resources Needed | Timeline | Completed |
|---|-----------------------|--|-------------|-----------|
| Hold a 6-week dialogue for PCBA staff | Perse | Training rooms, staff release time, \$ for printing, refreshments, trainers, budget allocation for staff planning time | By 9/30/06 | |
| Hold one, 2-day Facilitator Training Program for 5 community volunteers | Proforma | Training rooms, budget allocation for staff time, \$ for printing, refreshments | By 12/31/06 | |
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Next Step(s): Proforma to prepare full work plan (by 3/15), hold planning meeting with team (by 3/20), Perse to meet with PCBA President by 3/30)

APPENDIX A: OPTIONAL DISCUSSION QUESTIONS

The following questions can be used as discussion questions or as Dyad questions.

1. How powerful and widespread is racism in America?
2. How widespread is racism in our community?
3. How widespread is racism in our agency, organization, or institution?
4. Even though Jim Crow laws have been eliminated, many neighborhoods still appear segregated. How is de facto segregation related to racism? What purpose does it serve?
5. How might the lack of diversity in decision-making levels affect the quality of work an agency or organization is able to provide?
6. What are some of the different kinds of racism you know of or have witnessed, such as obvious, subtle, intentional or unintentional? Give some example of both.
7. What role does the media play in communicating stereotypes and other racist messages?
8. Racism is sometimes defined as “prejudice plus power” where power is understood to mean, “having access to resources.” What is the relationship between racism and power?
9. What role does economics play in the prevalence of racism? What connections might exist between racism and poverty?
10. What are the costs of racism to us personally, collectively, as a community, and as a nation?
11. What should be the role of the government in ending racial injustice?
12. How have reparations been used to amend historical inequities and injustices? How might this process be used to correct racial injustices in America?
13. What are the intentions of Affirmative Action strategies in redressing racism? What have been the results of these policies?
14. What recourse does the individual or groups have in challenging organizational or agency policies identified as racist?
15. How might economic policies affect racism?
16. What has been the impact of civil rights legislation on the elimination of race-based inequality? What is its role in the future?

17. How do policies and operations of your organization or agency help in eliminating racism?
18. How might the policies and operations of your organization or agency possibly perpetuate racism?
19. In what ways are agency or organizational policies “paternalistic”, that is, determining the needs of a group of people without consulting them? What mechanisms could be supported or established to counter this problem?
20. What role do institutions (government, education, religion, family, media, criminal justice, etc.) play in the perpetuation of racism?
21. How do you envision your role as an individual in confronting racism? What are some of the things you need personally to help you?
22. Someone you are with unintentionally makes a racist comment. How would you respond? How would your response be different if you perceived the person as being intentionally racist?
23. Who is responsible for confronting racist events or actions?
24. What is the role of formal education in challenging racism?
25. What should be the response of individuals, agencies and organizations, communities, and institutions to events sponsored by hate groups such as the KKK?
26. What kinds of groups in our community put up with racist attitudes?
27. What might be some responses to finding out an organization or institution you are a member of has discriminatory policies or practices?
28. What is the role of white people in confronting racism?
29. What is the role of people of color in confronting racism?
30. What strategies have you employed in confronting obvious forms of racism? What might be helpful to you in the future?
31. What strategies have you employed in confronting subtle forms of racism? What have you needed to become more effective?
32. What role should institutions (government, education, religion, family, law enforcement, etc.) play in the elimination of racism?

APPENDIX B: Troubleshooting

There might be times when there is a break down in communication. This could happen for a variety of reasons: a participant monopolizes the group; everyone is extremely reluctant to talk; etc. When this happens you have a couple of choices of how to re-establish trust.

- **When there is a break down in conversation**

Set up a dyad exercise:

“What are some things that would stop you from participating?”

or

“What make racism hard to talk about?”

This option is good not only because it places participants into pairs where they will feel more comfortable to share, but it also clarifies exactly what everyone’s fears are so they can be dealt with head on.

After participants have spoken in dyads, bring everyone back to the full group. Go around the circle and ask everyone to say one thing they talked about and list them on the flipchart. Keep going around the room until every issue has been listed.

Go through the final list and relate every issue back to the guidelines. If an issue is not addressed by the existing guidelines create a guideline that does. Speak to the importance of each guideline and meeting everyone’s needs for a safe space.

- **Participants are extremely reluctant to talk**

Rotating Dyads Exercise

This is a good exercise to use early in the Dialogue process when participants may not know each other very well. Rotating Dyads allows everyone to speak to everyone one-on-one. Not only does this help participants feel more comfortable in the group, but it also gets them up and moving helping them to feel more energized.

- **Someone monopolizes the group**

If there is a participant who is being very verbal and having a problem accepting or going along with the Dialogue process you must keep in mind your role as the facilitator and remain calm and supportive. Do not sacrifice the rest of the group for this one person. Keep in mind the “critical mass”. Here are some tips to handle such a situation:

- Rephrase their concerns or statements in the form of questions and throw them out the group. Ask, *“How do the rest of you feel about...?”* or *“What do you think about...?”*
- When they make a “factual” statement ask for the source and then bring in the opposing information next session.
- Say, *“We appreciate and respect your opinion and right to feel that way. However, for the sake of the group we are going to move on to the next exercise.”*

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