Governing for Human Rights, Social Justice and Advocacy

Spring quarter 2012

Faculty: Marc Brenman
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Spring: CRN (Credit) Level 30267 (4 GR)

Credits: 4(S)

Class Standing: Graduate

Offered During: Evening and Weekend

MEETS: May 11-13 & June 1-3 (Fri 5-9p & Sat/Sun 9a-5p)

Description

Course Overview and Objectives

Public administrators, planners, and managers will inevitably face problems and controversies involving civil and human rights, social justice, equity, fairness, and discrimination. The changing demographics of the United States are making it a more diverse place, with more demands for culturally competent services; globalism means that administrators and managers will be engaged more in international issues. At the same time, declining resources make service distribution and allocation more difficult. If the planner and manager makes mistakes, or is perceived by a demographic subgroup as acting in an unfair or neglectful way, she/he can garner bad media attention, official complaints, and public criticism. A slip of the tongue can end a career. Doing the right thing from a social justice perspective can involve difficult moral and ethical analysis, decisions, priority setting, and follow-through.

This course aims to provide and prepare public administrators, planners, and managers with the tools necessary to manage such controversies, create more equitable solutions, look at social justice in an informed way, and advocate for necessary change in effective ways. With this knowledge, she/he will not be blind-sided by issues of race, ethnicity, gender, disability, sexual orientation and identity, religion, and other protected class issues. An objective is to provide insights into the concerns of these and other protected classes and traditionally discriminated against groups. There is no one answer to the
needs and demands of traditionally discriminated against group representatives, but many good questions that can be asked. Many types of advocacy are available. The tone of the class is not accusatory or guilt-inducing, but rather uses examples from the history of governance in the United States and internationally of how organizations have successfully and less-than-successfully coped with the growth of demands and needs in a rights-based culture and polity. Reference is made to international human rights schema and how they compare to US constructs and legal limitations.

The course includes models for thinking about, evaluating, prioritizing, implementing, and evaluating social equity interventions. Course activities include discussion of difficult and controversial human rights issues in an emotionally safe environment; a set of readings compiled for this course, many from primary sources; a unique glossary of social justice and equity terms; a civil rights timeline of US history to help set events and discussions in historical context; exercises and projects in media and website review; personal reflection on self-identification; and social equity impact analysis of an organization the student is familiar with.

Students will be better able to describe, analyze, and deal with difficult issues of civil and human rights, especially in the context of organizational response. The course introduces students to approaches to human rights in addition to engaging them with a specific set of empirical problems in the field.

To impart a framework for understanding U.S. social and political history and public policy development in the context of a civil rights-based analysis.

To understand public policy analysis of how the social issues have been addressed.

Students will be able to better understand equity in the United States in the context of governance, its historical timeline, how it changes, learn about new issues and how they intersect, and critically examine and analyze where and how their belief structure and American values fit.

To provide practice on how to make public policy in the United States in controversial areas.

Through studying the American Civil Rights Movement, students should be able to formulate answers to the following questions:

What role should government and political leaders play in the process of social change?

How does the United States ensure that its democratic values are translated into reality?

What impact does the media have on the transformation of a society?

How do upheavals in the social order affect the daily lives of individuals?
What strategies and methods have been used at different times to achieve social justice in America, and what have been their degrees of effectiveness?

What are the peculiarities, strengths and limits of law? How is it related to politics and social forces, including racist ones? With these questions in mind, the course introduces students to a series of topics in the field of civil rights.

How does law characteristically shape (as opposed to merely mirror) our social and political circumstances? This course offers students the opportunity to acquire a contextualized understanding of legal texts and mindsets. Students investigate a series of historical and contemporary topics in the field of civil rights. Is disparate treatment of ethnic groups a reflection of failure to live up to the United States’ civic ideals or a product of conflicting civic ideals? Are the principles underpinning civil rights claims unambiguously enshrined in the Constitution? Are rights fundamental properties of individuals or derived from membership of a state? What was the role of law and government in shaping civil rights struggles? What are the limits of rights-based demands?

**Maximum Enrollment:** 15

**Campus Location:** Olympia

**Student expectations**

All students are expected to support and contribute to a well functioning MPA classroom learning community. Behavior that disrupts the learning community may be grounds for disciplinary action, up to and including dismissal from the MPA program. Some difficult and controversial topics will be discussed, and it is important that they be discussed frankly but without rancor or personal insult. Speak your mind and encourage others to speak. I hope that students will demonstrate genuine courage in pushing your own “learning/comfort zones,” while sharing with and supporting others. I hope this will facilitate honest feedback between you, me, and the rest of the community. I hope we will focus honestly on helping to clarify and deepen each other’s ideas.

Please be courteous to other class members: Please turn off any pagers, cellular phones, and other items that may disturb the class. Laptops and Ipad type devices may be used, but only to enhance the class, such as by immediately finding references to topics under discussion.

Students should take notes in some fashion, hard copy or electronic, in part because at the end of the course you will refer back to these notes.

**Course Policies**

Participation: This course is predominately discussion based. It is critical that students do
the assigned readings and actively participate in class discussions and role-play exercises. The nature of materials covered in class do not lend themselves to students sitting passively; lively and thoughtful participation will enhance the course for everyone. Your presence, punctuality, and participation in class are assumed.

**Evaluation:**

I will look for definite qualities in evaluating your discussion participation. Some expectations include the following:

1. The development of independent thinking.
2. Utilization and specific references to course materials. Application of key public policy concepts.
3. A willingness to experiment with new ideas — yours and others.
4. The development of competence at learning from others and integrating those ideas which challenge, support or simply stimulate your thinking into your work.
5. Well formulated responses. Be deliberate and reflective in your use of language.
6. The exploration of complicated ideas, even if you find you cannot come to a neat and easy conclusion.

During the course, students should follow the news, and stay aware of developments that reflect on civil and human rights.

**Required Papers:**

In the three week interval between the first and second weeks of the course, students will be asked to write one short paper, one website review, and one movie/video/TV show/YouTube review. A list of possible films will be provided. Many are widely available from a variety of sources.

The paper will consist of a short (3-5 pages) reflective paper on the reading. It should focus on how government responds to social justice and human rights issues. Using examples from the reading, did it cause them? Make things better? React? Do nothing? In terms of your other MPA courses, how does social justice fit in? Alternatively, the paper can discuss a governance aspect of the history of civil rights in the US, in the context of the course. That is to say, the paper should discuss either the reaction of government to a civil rights event or trend, or the proactive effort of government to bring about a social justice change.

**Template for film discussion:**

What was the topic of the film?
When was it made?
What period did it cover?
What events did it cover?
Who were the stakeholders depicted?
What civil rights issues were depicted?
Was its depiction of events relatively accurate?
Was the analysis one-sided? Depthful? Subtle? Exploitive? Innovative?
Was the coverage documentary? Propagandistic? Marketing? Emotional? Historical?
What was the role of government in the film?
Was the government successful?
Did the film have any role in subsequent events? (Such as Birth of a Nation)

Template for website review:

What jurisdictions does the agency cover?
How does the agency portray its role?
Does the agency state its success criteria?
Does the agency provide information on how successful it is?
Is a strategic plan included on the website?
Is the website customer service oriented?
Can a person file a discrimination complaint online?
Are real people and contact information included?
Is the website accessible to people with disabilities?
Does the website include e-Government tools?

Readings, Viewings, and Listenings

Most of the readings should be done before the first day of class.

Universal Declaration of Human Rights

Principles Of The Human Rights Framework
http://dev.nesri.org/sites/default/files/Human_rights_in_US.pdf

The Business Case for Human Rights

Implementing Recommendations from the Universal Periodic Review: A Toolkit for State and Local Human Rights and Human Relations Commissions; Columbia Law School Human Rights Institute for the International Association of Official Human Rights Agencies; The Human Rights at Home Campaign; August 2011;
http://www.iaohra.org/storage/UPRToolkit.pdf

The Evergreen State College’s Social Contract
http://www.evergreen.edu/about/social.htm


Rethinking Revolution: Reconstruction as an Insurgency: An Interview with Mark Grimsley

http://smallwarsjournal.com/jrnl/art/rethinking-revolution-reconstruction-as-an-insurgency

“Lessons from the History of Transportation Justice;” with Richard Marcantonio; The Race Equity Project; Legal Services of Northern California; October 24, 2011; http://equity.lsnc.net/lessons-from-the-history-of-transportation-justice/

“High Speed Rail and Social Equity;” The Race Equity Project; Legal Services of Northern California; July 2011; http://equity.lsnc.net/high-speed-rail-and-social-equity/

A New Social Equity Agenda For Sustainable Transportation
http://www.vtpi.org/equityagenda.pdf

What To Do When The Nazis Come To Town
http://www.safeschoolscoalition.org/WhatToDoWhenTheNazisComeToTown-byMarcBrenman-042908.pdf

A Civil Rights Agenda for a New Administration
http://opengov.ideascale.com/a/dtd/Civil-rights/2558-4049

Equity Impact Assessment (Social Equity Analysis)

Legal Issues for School Districts Related to the Education of Undocumented Children; A Joint Publication of the National School Boards Association (NSBA) and The National Education Association (NEA); 2009;

Plyler v. Doe Guidance Memo from NY State; Student Registration Guidance;
August 30, 2010;

Visit the website http://ciw-online.org/ and read about the fair food movement for agriculture workers in Florida. Think about the fact that access to food and fair wages for agriculture work is not a protected US civil right, but may be covered as a human right. Also view this presentation on the Fair Food Campaign.
Visit the website of the Washington State Human Rights Commission, [www.hum.wa.gov](http://www.hum.wa.gov)

Listen to Mississippi Goddam, sung by Nina Simone
Hear it on YouTube:  [http://www.youtube.com/watch?v=AUR9yWzN3zc](http://www.youtube.com/watch?v=AUR9yWzN3zc)

Other materials will be provided by the faculty member, consisting of the following:

a package of readings,

a glossary of social equity terms,

a timeline of civil and human rights developments in the US,

Social Equity Impact Analysis

Please read actively! Don’t just passively take in what these or any readings say; question and argue with the authors; write comments in the margins; explore your own ideas, questions, and experiences.

Handouts:

Website review template.

Movie review template.

Related Websites:

National advocacy and special interest groups, such as Leadership Conference on Civil Rights, NAACP, NAACP-LDF, LULAC, MALDEF

American Civil Liberties Union, "The Bill of Rights, A Brief History,"[1997.](http://www.aclu.org)

American Civil Liberties Union, "We Have Rights, Too!...But What are They?"[2000.](http://www.aclu.org)

Civil Rights Alert. "Resegregation in America’s Schools," August 16, 1999.[http://www.law.harvard.edu/groups/civilrights](http://www.law.harvard.edu/groups/civilrights)

History of slavery: [http://innercity.org/holt/chron_1790_1829.html](http://innercity.org/holt/chron_1790_1829.html)

Guest Speakers

There will be guest speakers.

Course Outline – Organization of the Course

Friday, May 11

5 PM: Welcome to course

Introduction of faculty and students

Why are you here?

What do you want to suggest to the group? What do you think we would benefit from reading, doing, visiting, watching, hearing, discussing…? The faculty member will attempt to adjust the course to meet the needs and desires of the students.

Exercise: How do you self-identify?

The variety of ways people self-identify.

How is cultural identity determined?

Consequences of inferred identity.
Reading: Employers' Replies to Racial Names
http://www.nber.org/digest/sep03/w9873.html

How mutable is it?

Why do we often have difficulty talking openly about racism and other social problems?

How diverse is your life? Why? What parts of your own identity do others seem to value, and what parts might they devalue?

Have you ever been discriminated against? How? What did you do about it?

Definitions

Civil rights

Human rights

Critical, Overarching Themes

Critical Questions to address

Rights-based analysis and Equal Protection

The growth in rights

Is there universal agreement on the need for addressing social justice?

The case of African-American evangelical churches and same-sex marriage.

Social suffering

Bias, prejudice, stereotype

Could one be relatively “unprejudiced,” yet nevertheless act in “discriminatory” ways? Intent and disparate impact, institutional racism, oppression and unearned privilege.

Changing Demographics and Social Justice

What is discrimination?

The continuum of equal employment opportunity, affirmative action, and diversity

Methods of bringing change about
Enforcement: How are civil and human rights enforced? The domestic and international frameworks.

**Reading:** A Historical Perspective on U.S. Human Rights Commissions

Do Good Things Always Go Together? Thinking about Consequences, Risks and Trade-offs

Ethics in the public realm: The duty of the public administrator and planner

**Case study discussion:** What to do when the Nazis come to town?

**Reading:** http://www.safeschoolscoalition.org/WhatToDoWhenTheNazisComeToTown-byMarcBrenman-042908.pdf

**Discussion Questions:**

- What would you do?
- As a public administrator, would you feel under restrictions?
- How does free speech and freedom of expression and association enter in?
- Should the US have laws against Nazi expression as tough as those of Germany?

Social equity interventions: The concept of what works

Pre-intervention planning: What does one need to know?

**Saturday, May 12**

9 AM: Thoughts/reflections from previous day

9:30 – 1030 AM: **Discussion:** Case Study: The English-Only Hotel: Naming, Ethnicity, Market Forces, Limited English Proficiency

**Readings:** [Http://www.comcast.net/articles/news-national/20091026/US.Trouble.in.Taos/](http://www.comcast.net/articles/news-national/20091026/US.Trouble.in.Taos/)

**Questions for discussion:**

- How would one sort out the allegations?
- What are the cultural competency aspects?
Were the hotel owner’s actions illegal?
What is the influence of place on reactions?
Would business really be affected?
What else could the owner have done?
How would you have prevented this controversy?
Is there room for alternative dispute resolution? Community dialog? Is it too late?
What advice would you give to the hotel owner in responding to the controversy?

10:30 – 11:30: Negative Action by the Enemies (and Enemies without realizing it) of Civil Rights and Social Justice (Opposition to Civil and Human Rights)

The Minutemen

Readings: “Marc Brenman/WSHRC goes round bend in support of illegal activity”
http://24ahead.com/blog/archives/006894.html
“Reject messages of hate and fear”
http://www.heraldnet.com/article/20070715/OPINION03/707150319/-1/OPINION

Discussion questions:

Perceptions of immigration as a problem.
Anger at “losing my country.”
“What part of ‘illegal’ don’t you understand?”
Immigration and US history.
State initiatives.

11:30 AM – Noon: What isn’t covered well: Class, Caste, and Low Income

Institutional racism and unearned privilege: The case of Hurricane Katrina

Reading: "Katrina and the Demographics of Disaster and Reconstruction," Los Angeles, CA: Center for Law in the Public Interest, September 15, 2006, with Robert Garcia;
http://www.cityprojectca.org/general/neworleans.html
Noon: Lunch on own

Afternoon:

1:30 – 2:30 PM: Effectiveness of Civil and Human Rights Efforts

Green jobs, environmental groups, and diversity

3 PM- 4 PM Guest speaker. Seth Kirby, MPA, Evergreen. Oasis Director, Tacoma.

4 – 5 PM: Conundrum: Women’s Rights and Afghanistan

Discussion questions:
What are the needs?
Who are the actors?
What can be done?
What is our moral responsibility?
How does cultural relativism fit?

5 PM: End of day

**Sunday, May 13**

9 AM: Thoughts/reflections from previous day

9:30 – 10:30 AM: Thoughts for a Sunday morning: The Central Human Capabilities, Martha Nussbaum
Discussion questions:
Does Nussbaum’s list in the appendix make sense to you?
How does it fit with other examinations of civil and human rights?
Is it too idealistic?
What is the role of idealism in inculcating a better world?
How would you operationalize the capabilities, make them real in the world?

11 AM: **Discussion: Religion and Human Rights.** Two Christian religions approach the question of slavery in the US (Discussion questions included in the document)

Noon: Lunch on your own.


**Reading:** [http://smallwarsjournal.com/jrnl/art/rethinking-revolution-reconstruction-as-an-insurgency](http://smallwarsjournal.com/jrnl/art/rethinking-revolution-reconstruction-as-an-insurgency)

**Discussion questions:**

What is the role of violence in human rights in the United States?

The Civil Rights Movement activist H. Rap Brown said, “Violence is as American as apple pie.” Was he right?
Lynching has been described as a means of social control over African-Americans after the Civil War. Were people who were lynched the victims of a Taliban-like insurrection in the US?
Supreme Court Justice Clarence Thomas is usually described as a very conservative justice. But he upholds the right of African-Americans to keep and bear arms. Is there a contradiction?

2:30- 3:30 PM:  Principles of the Human Rights Framework
http://dev.nesri.org/sites/default/files/Human_rights_in_US.pdf

Discussion questions:
Are these idealist?
Can they be implemented?
How would they be implemented in the US?
What attempts are being made to use the principles in the US?

5 PM:  End of day

In the three week interval between the first and second weeks of the course, students will be asked to write one paper, one website review, and one movie review.

Friday, June 1

5-5:30 PM:  Thoughts from the weekend.
5:30-6:30 PM: Discussion of website and movie reviews.
6:30 – 7:30 PM:  Elements from course outline.

8 – 9 PM:  What can one person do?  Case Study of Luke Cole and the Center for Race, Poverty and the Environment

Readings:


Discussion questions:
What can one person do to improve social equity and bring about change?
How does a person focus—on issues, on geography, on a particular group?
The outpouring of love for Luke Cole says something interesting and heart-warming about accomplishing social good with a soft heart. Did Luke Cole have to overcome his class origins to do the work he did? (He went to Phillips Academy, Stanford University and Harvard Law School) What if he had been rejected by the people he was trying to help? What are the lasting contributions of Luke Cole?

9 PM: End of day.

Saturday, June 2

9AM: Thoughts/reflections from previous day

9:30 – 10 AM: Mini-Exercise: What is the name of the person who ______?

10 – 11 AM: Elements from course outline.


Noon: Lunch on your own

1:30 -2:30 PM: Case Study: Where should prisoners be counted?

Reading: (Can reach through Google)

Discussion questions:

What human rights do prisoners and their families have?
What about the inmates’ families? They have difficulty in visiting, and holding together families.
Other issue: Many states make it very difficult for former felons to get their voting rights back. Should they?
A very high percent of African-American young men will be arrested, convicted, and serve time in prison. This reduces African-American political influence generally. The cost of incarceration is very high, and overcrowding is a serious problem in prisons. There is a history in the US of inmates and convicts being used as very cheap labor, for example on roads. This has been described as a continuation of slavery. Sharecropping has been described the same way. The bias toward political power in rural areas is enshrined in the Constitution, which provides for two senators from every state, no matter how small the population of the state.
The Census and race and ethnicity intersect in many ways. These include the original Constitution, which counted slaves as \( \frac{3}{4} \) of a person, changing categories of race and ethnicity, and minority undercounts.

2:30 – 3:30 PM: Elements from course outline.

3:30 – 4:30 PM: **Guest Speaker**

4:30 – 5 PM: Elements from course outline.

5 PM: End of day

**Sunday, June 3**

9 AM: Thoughts/Reflections from Previous Day

9:30 - 10 AM: Nuts and Bolts: Principles of Human Rights Data Collection

Readings: Human Rights Monitoring
Briefing Paper Format

10 – 11 AM: **Guest Speaker**

11 AM: **Case Study Discussion**: Benefits Statutes with Neutral Language but Disparate Effects. The G.I. Bill, World War II, and the Education of Black Americans


**Discussion Questions:**

Do you think that the discriminatory effects of the GI Bill on Blacks was purposeful?

Social Security, created during the Great Depression in the 1930’s was designed by President Franklin D. Roosevelt to leave out many African-Americans, in order to obtain the votes of Southern senators. Is it better to obtain some good social safety net benefits for many people, but not all, and differentiate on the basis of race; or hold out to obtain equitable benefits?

Lack of social security, GI Bill education benefits, and low interest rate GI home loans had long term negative effects on the ability of African-American families to increase family wealth. As the article notes, student achievement varies directly with parent education attainment and parent income. Do these cumulative disadvantages create a moral need for reparations, financial remedies, and affirmative action?
There were also geographic differences among beneficiaries. How important is this?

How would you design a program that would have more equitable effects?

The GI Bill is generally considered a great success. Why are its social equity effects almost always ignored?

When social benefits programs are designed, should one element be their social equity impacts? If so, on what groups should their effects be designed around?

Noon: Lunch on your own

1:30-3 PM: **Small group exercise: What can a group do? Social equity impact analysis.**

**Reading:**

**Template for Social Equity Impact Analysis of Agency Program:**

Name of program
What is the program intended to accomplish?
What could happen if the analysis is not done?
Is anyone in the agency assigned to conduct such an analysis?
What, if any, were the findings of the analysis?
What protected classes of people are in the communities in the affected service area?
How could an equity impact assessment be used in the agency?
What nondiscrimination policies does the agency have?
How are they implemented?
Is there an ‘unstated’ agenda? If so, what is it?
What are the benefits and burdens of the program on the protected classes?
What sources of data would you use if you were to do a complete equity impact analysis for this program at this agency?
How does the equity impact analysis interact with other programs of the agency, such as public involvement and participation, if any?
How does the agency respond to the needs of the community?
What priority does this effect have in the agency?
What recommendations would you have for the agency?

3-3:30 PM: **Briefout on social equity impact analysis.**

3:30-5 PM: What did you learn from this class? What if anything has changed in your viewpoint? What will you do differently at work?
5 PM: End of course