

On My Mind
6/21/02

Speaking with a perspective/ the assurance/conviction/accuracy that only a member of a minority can bring/ truly bear witness to, Law Professor Danielle Conway-Jones offered a thought-provoking view of racism, indigenous rights and the law at a lecture earlier this week that stirred many in the audience, though others felt her stance to be too liberal.

Conway-Jones told a group of pre-law students, law clerks, practicing attorneys and interested individuals that "colorblind jurisprudence" - case law dealing with racism - must take into account the context in which it is being applied. The claim that a law favoring minorities discriminates against Caucasians does not take into account the history of discrimination against persons of color, the claim/need to offer reparations, remedy. Caucasians do not have that same history, that same need/claim for remedy, she said.

This principle was violated, she said, in the case of *Rice v. Cayetana*, brought against the Office of Hawaiian Affairs by a non-indigenous Hawaii resident who objected to the requirement that voting for OHA Board members could only be done by indigenes. The case went as far as the Supreme Court, which overturned lower court decisions that the OHA did indeed have the right to limit votes to indigenes.

In the case of affirmative action, Conway-Jones said, the situation is similar. Caucasians are privileged in a sense that persons of color are not. White privilege has been institutionalized in the United States from colonial times - when only whites were allowed to vote, to own land, to

attend school. White privilege still reigns to this day, despite the 13th, 14th and 15th Constitutional Amendments, despite the overturn of “Jim Crow” in the ‘60’s, despite affirmative action. The advantage of being Caucasian is still there, and in a somewhat pessimistic vein, Conway-Jones asserted that it will always be there, that persons of color will never achieve that same degree of privilege.

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Last week Professor Edward Bronson gave an equally fascinating, but not quite as provocative presentation on the role of juries in the judicial process, and this week

The series closes with a presentation by Conway-Jones on the subject of “Privilege and Self-Determination” on Tuesday, June 25, at the Supreme Court at 4:00 p.m. Offered as part of a program for aspiring attorneys, the public lectures are being jointly sponsored by the CNMI Humanities Council, the CNMI Bar Association, Northern Marianas College and the CNMI Supreme Court.

Just as live performances of ballet and classical music by visiting artists offer a rare treat to fine arts-starved audiences, so have these liberal scholars offered a rare treat to members of the public starved for intellectual enrichment. An humble thank-you to them, and to the sponsors!