



AFRICAN AMERICAN ATTITUDES TOWARD AUTHORITY

INTENT VS. IMPACT

Framing accountability around intent vs. impact is not new in the legal system. The case *Griggs v Duke Power Co* (1971) made the case for disparate impact in which, "The Court agreed that the 1964 Civil Rights Act required private employers to remove arbitrary obstacles to black advancement, even if those obstacles were not put in place with the intention to discriminate against them. However, in *Washington v Davis* 426 U.S. 229 (1976), the court held that the Due Process Clause of the 5th Amendment (holding the Federal Government to the same equal protection standards imposed on the states by the 14th Amendment) prohibits only intentional racial discrimination, and does not require the government to correct for the unintended differential racial impact of its policies."¹¹ But what has not been proposed until here is that there is a cultural basis -- Anglo intent vs. African American impact -- supporting and framing the two positions. These different cultural perspectives play out time and time again in the society at large and the workplace in particular.

¹¹ See website "Bibliography on Race, Gender and Affirmative Action"

INFERRING MOTIVE/INTENT (OR STATE OF MIND) FROM RESULT OR IMPACT

KERRY DENIES ONLY WHITE VOTES COUNT¹²

Sen. John Kerry, D-Mass., dismissed as "absolutely ridiculous" the notion that his support for Iowa and New Hampshire's prominent roles in the presidential nomination process means he thinks only the votes of white people count. Many Democrats complain that the two early nomination elections winnow out candidates based on votes from small states with overwhelmingly white populations. The



party is considering adding, during those early weeks, one or two states in other regions to draw diverse electorates into the process. Kerry, the 2004 Democratic nominee for president . . . wrote a column for the New Hampshire Sunday News arguing that, "The special role that Iowa and New Hampshire play in presidential politics has strengthened our democracy by insuring that citizens at the grass roots engage directly with candidates for the presidency." On ABC's "This Week," Kerry bridled when told an unnamed Democratic strategist [italics added], said that, by supporting the status quo, "You're basically saying only white people's votes count in those early states." "That's so much bunk," Kerry responded. "I don't know how to describe that comment in any other way than to say that that's absolutely ridiculous. The converse of that is to suggest that the people in New Hampshire and Iowa are insensitive to those issues and don't care about them." We have no information on the race of the "unnamed Democratic strategist". The outcome oriented cultural perspective taken, however, reflects that of African Americans.

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THE BLACK CHURCH ARSON FIRES

In 1995/1996 the intent vs. impact distinction was also critical in characterizing the nature of the crime. When the Black Congressional Caucus asked the FBI why these arson fires were not being classified as a "hate crime," the FBI responded that it was because they have not as yet established "intent." John Conyers of the Black Congressional Caucus is reputed to have responded, "Hey! Only Black churches are being bombed here!"¹³



ACCOUNTABILITY BASED ON WHAT YOU MEANT VS. WHAT HAPPENED (AND WHAT YOU SHOULD HAVE KNOWN)

WAL-MART BLAMES 'WELL-INTENDED' ERROR FOR OFFENSIVE DVD PROMOTION¹⁴

Wal-Mart blamed human error for its recent racially offensive movie suggestions. Carter Cast, president of Walmart.com, the online shopping arm of Wal-Mart Stores Inc., said that the mistake resulted from a well-intentioned effort to promote a DVD about the Rev. Martin Luther King Jr. A cross-selling system instructed those interested in buying "Charlie and the Chocolate Factory" and "Planet of the Apes" DVDs to consider black-themed DVDs such as "Introducing Dorothy Dandridge" and "Martin Luther King: I Have a Dream/Assassination of MLK." "There was nobody here who maliciously put together that combination," said Cast. "I know the person was well-intended in trying to get the 'I Have a Dream' speech out as a cross-sell." Mona Williams, vice president of corporate communications, said in a statement that the Bentonville, Ark.-based company was "heartsick that this happened."

¹³ See also Joe Holley, "Who was Burning the Black Churches," CJR September/October 1996.

¹⁴ Carmen Cusido, DiversityInc, (January 9, 2006)

Note the different cultural perspectives at work here: Carter Cast framing accountability around intent and Mona Williams framing it around what happened and the impact of that. I don't know if Mona Williams is African American - in one website reported interview, "Why Wal-Mart Wants to Invade New York", she was described as having a "lilting southern accent" - - but, regardless of her race, her framing of the situation in terms of "what happened", rather than "what was intended", is consistent with an African American (as opposed to Anglo) cultural position.



"The mayor appointed the first black man to lead the city's fire department Monday after the previous chief resigned amid a furor involving a black firefighter who was fed spaghetti mixed with dog food.... The fire department has been plagued by complaints of discrimination and rampant hazing. 'I know that we can stop hazing and horseplay, I know that we can address the department's history of discrimination and exclusion, I know that we can build a department that looks like Los Angeles,' Barry said. Firefighter Tennie Pierce claimed that *he was fed dog food because he is black*. But other firefighters said *it was an ordinary firehouse prank with no racist intent*.¹⁵

¹⁵ The Associated Press in DiversityInc News, December 5, 2006.

INCONSISTENT TREATMENT/BEING "SINGLED OUT"

JURY FINDS NO RACIAL BIAS AGAINST OVERWEIGHT AIR PASSENGER¹⁶

"A jury on Friday said Southwest Airlines did not racially discriminate against an overweight passenger when she was asked to buy a second seat on her flight. The jury deliberated for a little over an hour before finding against Nadine Thompson, who sued Southwest in federal court. She claimed that she was singled out because she is black and that the airline's "customer of size" policy was unfairly applied to her after she boarded a flight at Manchester Airport in June 2003.... Southwest said the only mistake it made was telling Thompson that she needed to pay the extra fare for her outbound flight; since she already had boarded the plane she wasn't required to do so. The employees who addressed Thompson about the 'customer of size' policy testified *that it was their first time applying it*, and that they weren't aware of the fare provision, which was buried in the guidelines." While the "first time applying the rule" statement was used by those Southwest employees as an excuse for not knowing the details surrounding the fare provision, to Thompson, and other African Americans who hear the story, it suggests that Thompson was being *singled out*.

¹⁶ DiversityInc staff, DiversityInc.com (February 13, 2006)



THE GARY SHEFFIELD/JOE TORRE SITUATION

Gary Sheffield's criticism of former Yankee manager Joe Torre for singling him out in team meetings and for treating black and white ball players differently –specifically: the different way that Torre criticized black and white ballplayers: blacks, publicly and whites, privately, again reflecting the African American cultural position on what qualifies as “biased” treatment or “racist” behavior.¹⁷

ACCOUNTABILITY FOR WHAT YOU SAID AND DID RATHER THAN WHAT YOU MEANT

HALLE BERRY TAKES ON 'BIG, FAT BLACK GUY'¹⁸

“What was meant to be a friendly chat to promote the new “X-Men” movie turned into a frosty discussion about race on a popular morning radio program, but the British Broadcasting Corp. defended its disc jockey. Oscar-winning actress Halle Berry appeared on Chris Moyles' Radio One breakfast show Thursday and clashed with her host after he impersonated what he described as a “big, fat, black guy.” “Are we having a racist moment here?” Berry, the first black actress to win an Academy Award for a lead role, asked Moyles after she took exception to his impersonation.... Moyles made it clear on air that there was nothing racist in what he said”

LYNCH TIGER WOODS: WHICH NATIONAL COMMENTATOR SAID THIS?¹⁹

On Friday, as Tilghman and fellow broadcaster Nick Faldo discussed Tiger Woods' dominance over the rest of golf's elites, Faldo suggested professional golf's up-and-coming players “gang up” on Woods to beat him. Tilghman agreed and added that they “lynch him in a back alley”.... Tilghman, who played college golf at Duke and works as the main play-by-play announcer during The Golf Channel's PGA Tour telecasts, [said]. “I have known Tiger for 12 years and I have apologized directly to him. I also apologize to our viewers who may have been offended by my comments.”.... Woods has not talked publicly about the incident, but his agent, Mark Steinberg, has. “This story is a non-issue ... said Steinberg in a statement he released to The Golf Channel.”Regardless of the choice of words used, we know unequivocally that there was no ill *intent* in her comments....”



17 Curry, J. August 16, 2007. "Sheffield, Still Ever the Talker, Stands Behind his Accusations," in The New York Times, pp. C15,17.

18 DiversityInc staff, DiversityInc.com (May 20, 2006)

19 Cole, Y. January 9, 2008. "'Lynch Tiger Woods in a Back Alley' Gets Anchor Suspended," in DiversityInc Newsletter.

CULTURAL ANALYSIS

FRAMING ACCOUNTABILITY/ RESPONSIBILITY WITH RESPECT TO INTENT/IMPACT

Framing accountability along lines of intent vs. impact differently shapes the way responsibility (and blame) is qualified and applied. Within Anglo culture, intent is directly connected to an individual's state of mind, with regard to what that individual knew and meant (and as earlier applied to CWM) what each individual could have reasonably been able to control or prevent (based upon what they knew or reasonably be expected to have known). What is said and what is done are compartmentalized and have quasi independent status. They are connected but dealt with separately. Individual responsibility and culpability are determined by assigning a relative weight to what that individual meant to do -his or her state of mind-- and what that individual did. Blame and punishment are applied and accepted within an Anglo U.S. cultural construct of justice and fairness and are configured around these essential elements. Within African American culture, the focus is upon what is said and done and the impact of that.

Responsibility for impact is more global: implicating people not only with respect to what they knew, but what they should have known, done, or could have done, to have anticipated (and prevented) an unwanted result. Intent, to the extent that it matters, is inferred from what is done (e.g. "If you didn't mean it, you wouldn't have done it"). Individual responsibility and culpability are determined by assigning a relative weight to what was done, or should have been done with respect to any given outcome. Blame and punishment are applied and accepted within an African American cultural construct of justice and fairness and are configured around these essential elements.