Advocacy and Anti-Racism: How Institutions Shape Organizational Responses to Racially Biased Policing in France and the United States

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Advocacy and Anti-Racism: How Institutions Shape Organizational Responses to Racially Biased Policing in France and the United States

A dissertation presented by
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to
The Department of Sociology

in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the subject of Sociology

Harvard University
Cambridge, Massachusetts

May 2017
Advocacy and Anti-Racism: How Institutions Shape Organizational Responses to Racially Biased Policing in France and the United States

Abstract

Racially biased policing has captured the attention of citizens across the globe. This preoccupation with racial justice and policing is not unique the United States; these questions are on the rise across the Atlantic as well. This dissertation investigates how national context shapes efforts to address racially biased policing by advocacy organizations. Comparing France and the United States, I focus on the role of institutions, examining how race, the nonprofit sector, political institutions, and legal institutions constrain and enable the strategies and tactics of anti-racist advocacy organizations.

Chapter Three makes the case that analyzing the vast and varied work of advocacy organizations in terms of organizational fields is uniquely helpful for understanding how organizations are constrained and enabled by their field positions. I argue that organizations vary in their field position according to resources in the form of material and social capital. The comparative model illuminates the significant impact of inter-field and intra-field relations. In France, where the nonprofit sector is comparatively weak—more dependent upon the state, and less able to engage legal institutions—advocacy organizations are required to pool resources. As such, we observe an exchange of resources, particularly economic and social capital, across the organizational field. Additionally, organizations of different forms and in different field clusters
engage in overlapping strategies and tactics, signaling looser boundaries between organizational forms. In the United States, where there is a relatively strong nonprofit sector, collaboration and resource exchanges are less imperative. Instead, we observe more rigid boundaries in terms of organizational activities (qua strategies and tactics). In addition, the organizations that are best poised to lead the fight against racially biased policing are those that possess significant amounts of both economic and social capital.

Chapter Four considers the political context by examining how and when organizational actors perceive political opportunities, or a lack thereof. I argue that organizational actors act strategically, and as such, are keenly attuned to identifying the ripest moments for strategic action. These moments represent periods of perceived political opportunity. I identify three main frames of perceived political opportunity: times of political lull, political salience, and political intensity. During times of political lull, advocacy organizations are relatively inactive. During such moments, organizational actors attempt to identify strategies that will create opportunities. When organizational actors perceive a moment as being characterized by political intensity, their activities are largely reactive, responding to the immediate needs of their community or constituents. During periods of political salience, organizations are most likely to pursue strategic action. I suggest that perceptions of political opportunity depend on a variety of phenomena, including intra-field dynamics, transformative events, and political structures. Moreover, the data show that organizational actors do not always perceive a particular event or chronological moment in an identical fashion. I contend that the institutions that advocacy organizations seek to target as well as the communities they serve powerfully shape the ways in which they perceive a given period as politically opportune.
In Chapter Five I examine how advocacy organizations establish racial ground rules that resonate with national ideologies of race. I argue that advocacy organizations draw on what I coin as cultural repertoires of race. These are the cultural symbols of race that are distributed unevenly across contexts. In both countries, we observe organizational actors employing strikingly similar race-based and race-blind tactics. In both France and the United States, advocacy organizations employ the race-neutral tactics of protests or marches and policy to regulate police practices. Organizational actors in both countries also pursue race-conscious tactics of collecting data to document racial disparities and litigation to prove racial discrimination. The data demonstrate that French organizational actors systematically extract race from organizational strategies and tactics, while American organizational actors infuse race into the same set of strategies and tactics.

At a time when demands for racial justice are rising and America has just elected to the presidency a candidate who has openly made racist and xenophobic statements while France avoided the election of its far-right populist candidate, it is essential that scholars understand how organizational advocates resist and respond to racism. This comparative study allows for careful analysis of how institutions shape anti-racist logics and strategies of advocacy organizations. More specifically my dissertation considers how organizational fields shape strategy, how national repertoires of race lead to the decoupling discourse from strategy, and how organizational actors perceive opportunities.
# Table of Contents

Abstract ................................................................................................................................. iii  
List of Figures ...................................................................................................................... vii  
List of Tables ....................................................................................................................... viii  
List of Images .................................................................................................................... ix  
Acknowledgements ............................................................................................................. x  
Chapter One: Introduction ................................................................................................. 1  
Chapter Two: Data And Methods ...................................................................................... 36  
Chapter Three: Strategic and Tactical Action Distribution:  
An Organizational Field Approach to Anti-Racist Activity .............................................. 59  
Chapter Four: Political Lull, Salience, and Intensity:  
How Perceptions of Political Opportunity Shape Organizational Strategy ...................... 96  
Chapter Five: Strategizing Race: National Repertoires of Race and Anti-Racist Tactics .... 138  
Chapter Six: Conclusion ................................................................................................... 186  
Appendix A: Interview Guide ............................................................................................. 193  
Appendix B: List of Organizations ..................................................................................... 196  
References .......................................................................................................................... 198
List of Figures

Figure 1. Strategies of All French and American Advocacy Organizations.......................... 66

Figure 2. French Organizational Strategies Disaggregated by Field Clusters.......................... 70

Figure 3. Most Commonly Used Tactics by International NGOs in France ........................ 71

Figure 4. Most Commonly Used Tactics by Large and/or National Nonprofits in France.......... 72

Figure 5. Most Commonly Used Tactics by Small, Local Nonprofits in France .................. 73

Figure 6. Most Commonly Used Tactics by Alternative, Grassroots Organizations in France. .............................................................................................................. 74

Figure 7. Average Number of Strategies and Tactics by French Organizational Field Position. .............................................................................................................. 78

Figure 8. American Organizational Strategies Disaggregated by Field Clusters ................. 83

Figure 9. Most Commonly Used Tactics by Large, National Nonprofits in the United States ............................................................................................................. 84

Figure 10. Most Commonly Used Tactics by Local Bay Area Affiliates of National Nonprofits in the United States......................................................................................................................... 85

Figure 11. Most Commonly Used Tactics by State, Local and Community-Based Nonprofits in the United States............................................................................................................. 87

Figure 12. Most Commonly Used Tactics by Alternative, Grassroots, and/or Social Movement Organizations in the United States................................................................. 88

Figure 13. Average Number of Strategies and Tactics by American Organizational Field Position. .............................................................................................................. 90
**List of Tables**

Table 1. French Organizational Field Position ................................................................. 43

Table 2. American Organizational Field Position .................................................................. 43

Table 3. Organizational Field Position of French Case Study Organizations .......................... 45

Table 4. Organizational Field Position of American Case Study Organizations ...................... 45

Table 5. French Organizational Field Clusters ..................................................................... 62

Table 6. American Organizational Field Clusters .................................................................. 62
List of Images

Image 1. Photograph of Cat Brooks at the Millions March in Oakland, CA on December 13, 2014. Photograph by Bert Johnson. Reproduced here with photographer’s permission. ......................................................... 183

Image 2. Poster seen carried at the March Against Racism in Paris, France on November 30, 2013......................................................................................................................... 184

Image 3. Proposed stop-form for use by French police............................................................... 185
Acknowledgements

This dissertation has been a labor of love. Love for my family, my communities, and humanity. I am deeply indebted to so many for the ways in which they shaped my thinking, pushed my research forward, challenged my assumptions, cared for me, made me laugh, wrote alongside me, and shared their lives with me. I want to begin with my heartfelt gratitude to committee, Michèle Lamont, Lawrence D. Bobo, Tamara Kay, Patrick Simon, and William Julius Wilson.

I thank Michèle Lamont for her incredible mentorship as my dissertation chair. Throughout my time at Harvard, she has guided me through the various stages of graduate school with grace and sometimes tough love. Within just a few weeks arriving in the sociology department, Michèle invited me to join her team of researchers working on the comparative anti-racism project. This project fundamentally shaped the direction my scholarship would take, and for this I am deeply grateful. Michèle extended opportunities for publishing and presenting my work; she pushed me to take leaps in my research before I thought I was ready to take a step; she generously put me in touch with brilliant scholars across the globe; she provided careful and critical feedback on drafts upon drafts of my writing; and somehow did all of this while also managing to respond to emails right away, often within hours if not minutes. Michèle has also been a great support personally for the challenges I have encountered through graduate school. I am most thankful, however, for the ways in which Michèle taught me to trust my skills, my perspective, and my voice as a researcher and scholar.

I thank Larry Bobo for providing a brilliant example of what it means to be a scholar of race. By taking his course on race and politics and serving as a teaching fellow for his course on race and ethnic relations, I witnessed and worked alongside an exceptional scholar and educator.
I am sincerely thankful for Larry’s encouragement to pursue my political commitments while upholding the highest standards of scholarship. I am grateful for his feedback, particularly in the early stages of this study. I deeply cherish the ways you molded and sharpened my burgeoning ideas during conversations in your office.

Tamara Kay has been a wonderful mentor and friend. Tamara’s generosity went above and beyond; she always had my best interest in mind when offering advice for my own scholarship as well as when I served as her research assistant and teaching fellow. As Tamara’s RA I learned to see myself as a capable scholar with something to contribute to the world, and for this I am truly appreciative. She taught me how to prioritize my time and scholarship, was always there to lend an ear, and pushed me to get it done. I thank you, Tamara, for your theoretical insights, and for helping me to see from new angles the ways in which my work matters.

I am very grateful to Patrick Simon for the ways in which he encouraged my research and scholarship in France. By serving as my mentor at INED he opened up a world of scholarship to me I had been less familiar with from across the Atlantic. He introduced me to activists in the field and important scholars in France, and provided opportunities to share my work in its earliest stages. For this I am incredibly thankful. Our conversations about politics, race, and current events helped refined my knowledge and understanding of the French context, and ultimately improved my study.

I have been inspired by Bill Wilson’s body of work since my days as an undergraduate. I never dreamed at the age of 18 that I would have the honor of being trained by such a renowned scholar. Bill’s course on race, culture, and poverty taught me how to be a critical scholar in my first year of graduate school. I am thankful for his insightful comments, always pushing me to be
careful in my analysis and make stronger theoretical claims. Bill’s generosity went far beyond my scholarship; I thank him for his caring check ins about my work and my life.

I am especially grateful to my family. To my husband, Ian Simmons, you are my best friend, my rock, my cook, my proofreader, my love. I am filled with gratitude for the many ways you have supported this process. I could not have done it without you. I thank my parents, Shauna Marshall and Bob Hirsch for their wholehearted support, their unwavering belief in my goals and dreams, and their steady encouragement. To my sister, Natalie Hirsch, you are a star and a gem, and wise beyond your years. Thank you for always having my back. I thank my aunt, Laurel Hirsch, for wonderful meals, conversation, laughter, and love during my months of fieldwork in Paris.

I could not have gotten through graduate school or the dissertation without the warmth, generosity, brilliance, advice, feedback, solidarity, communion, and fun of my colleagues and friends. I thank Tracey Lloyd for her friendship, encouragement, and CBD partnership. I am grateful to Raygine DiAquoi for encouraging me every step of the way on this journey from Columbia to Harvard. I thank Anmol Chaddha, Caitlin Daniel, Armin Fardis, Alex Garcia, Tony Jack, Kari Kokka, Kevin Lewis, Renee Mack, Chris Muller, Kristen Nelson, Kim Pernell, Chana Teeger, Jessica Tollette, Ester Trujillo, Fithawee Tzeggai, and Tsione Wolde-Michael. You have all been there to talk through fledgling ideas, read my work, offer feedback, listen to practice talks, write together, and encourage me. I am deeply thankful to each of you. Thank you to my mentor-friends, Jasmine Johnson, Tina Sacks, and Tianna Paschel; it is truly a gift to follow in the path of brilliant, black women in the academy. Thank you for your candor, humor, and love. I am also thankful for Jocelyn Viterna, Bart Bonikowski and Jonathan Rosa for offering their feedback, advice, and insights for this project. I thank my “cohort of destiny” and my many
friends from graduate school who have journeyed alongside me. I extend my deep appreciation for the warmth, collegiality, and encouragement of my wonderful colleagues in the sociology department at the University of San Francisco.

Thank you to Marsha Parilla, Lealah Johnson, and Chinaka Hodge for dancing with me through this process. Thank you to the Yerba Buena Center for the Arts, and especially Marc Bamuthi Joseph, Chinaka Hodge, Katie Bush, and Brandon Brown for providing the creative counterpart to this academic study. Thank you to Nicole Achacoso, Erin Durrah, Marissa Drake-Lee, Kuulani Imira and Jayne-Louise Webb for holding me down from Paris to the Bay.

Thank you to my Camp Winnarainbow community. A special thank you goes Sam Barkin, for sending me the article that inspired this project so many years ago. I am forever grateful for your support, especially in my early years of graduate school. Wishing you freedom and light on your next journey.

This work has been generously supported by the Mellon Mays Graduate Initiatives, Krupp Foundation and Center for European Studies at Harvard University, the Chateaubriand Fellowship of the French Embassy in the United States, and the Gerardo Marin Fellowship at the University of San Francisco. This work has also benefited greatly from the Exchange Scholars program at U.C. Berkeley, INED (the National Institute for Demographic Studies) in Paris, the Center for Race and Gender at U.C. Berkeley, the Institute for the Study of Societal Issues at U.C. Berkeley, and the Center for European Studies at Harvard University.

I am indebted to each of the advocates, activists, lawyers, policymakers, movers, and shakers who agreed to participate in this study. These giants work day in and day out to effect change around the ways in which communities of color are mistreated by law enforcement in France, the United States, and beyond. I am grateful for their honesty, their insights, their visions
for the future, and their tirelessness. This project is for them. This project is also for the many, many individuals who have suffered at the hands of law enforcement—particular those affected by racially biased policing. This is my piece to move toward justice.

I dedicate this dissertation to my four loving and wonderfully encouraging grandparents. To Rita Marshall, Gloria Hirsch, and Jack Hirsch, I wish you could be here see the fruits of this long labor. To Lyle Marshall, thank you for sharing your love, interest, and encouragement until the very end.
Chapter One: Introduction

On a Thursday evening in late October of 2005, a group of friends made their way home from a soccer match in the Parisian banlieue (suburb) of Clichy-sous-Bois. It’s Ramadan; for many of them of the boys, the setting sun signaled the end to a day of fasting. Along their way, they crossed paths with a police vehicle. Sources say the squad cars were dispatched to investigate a break-in at a nearby construction site (Crampton 2005). Though innocent, the boys ran in different directions, and the police pursued them. Seventeen-year-old Muhittin Altun, 17-year-old Zyed Benna, and 15-year-old Bouna Traoré darted for Électricité de France (EDF), the national power facility. Despite the posted signs warning of danger in the high voltage facility, the boys hid from the police in the EDF facility rather than face law enforcement. The boys recognized that their identities—being of Turkish, Tunisian, and Mauritanian descent, respectively—could result in the demand for their identity papers and a potentially lengthy encounter with the police. Altun was able to escape the electric plant suffering severe burns. Benna and Traoré died by electrocution.

Adding insult to injury and death, an audio recording revealed that one of the police officers had announced over his radio, “If they've gone in [to the electricity plant] I would not give much for their skins” (quoted in Smith 2006). The deaths coupled with the release of the radio recordings sparked uprisings across France. Uprisings initiated in the Paris region but quickly spread to over 300 cities and towns and lasted for three weeks, prompting President Chirac to call a national state of emergency and to impose a curfew. Over 9,000 cars were burned. Over 100 police officers were injured. Nearly 3,000 civilians were arrested (Smith 2006).
These events brought to the forefront France’s problems with racial profiling, abusive police stops, and the routine harassment of the country’s immigrant and minority populations residing in the banlieues. The 2005 rebellions were instrumental in both raising public awareness and initiative social change activities around the issue of racial profiling in France. These events inspired existing organizations to address the tensions between communities and policing. They also spawned the founding of several new organizations, whose missions were to address racially biased policing and related social issues facing France’s banlieues.

****

Just around noon on a warm mid-August day in Ferguson, MO, 18-year-old Michael Brown walked along Canfield Court with his friend Dorian Johnson. Ferguson police officer Darren Wilson pulled up to the young men, reportedly responding to a call about theft at a local convenience store (Buchanan et al. 2015). The young men are unarmed. After demanding the young men move onto the sidewalk, events become unclear. Some reports suggest Brown tried to run away while others claim the teenager attempted to move towards the officer. Whatever occurred, Wilson’s response was to shoot Michael Brown, killing the teenager. Rather than attempt CPR or call for an ambulance, Brown’s body was left to lie in a pool of his own blood under the summer sun for nearly four hours. A crowd began to gather (Sanchez and Lawler 2015).

The blatant disregard for the lifeless body (let alone the life) of the black teenager sparked a rebellion in Ferguson. On August 10, 2014, the day after Brown’s death, the Ferguson police department held a press conference insinuating Brown’s criminality and refusing to
release the name of the officer responsible for the shooting. That night protests, harsh police responses, violence, and looting begin. For ten days, protesters occupied the streets of Ferguson. Missouri Governor Nixon declared a state of emergency and deploys the National Guard to patrol the streets.

American knowledge of racial profiling is not new. The expression, “racial profiling” emerged in the 1980s, though the practice had gone on for generations. These events, however, drew new attention to the related issue of use of lethal force on unarmed minorities. These events catalyzed what many have dubbed a new racial justice social movement, the movement for black lives. New social movement organizations emerged with explicit goals of dismantling institutional racism in law enforcement. Concurrently, many nonprofit organizations renewed their focus on and commitment to efforts aimed at addressing racially biased policing.

*****

The events described above are eerily similar. Law enforcement pursue young men of color in order to resolve an alleged property crime; the interaction goes awry leading to death; the official police statement contains inconsistencies or discrepancies between the accounts of eye witnesses; mass revolts ensue. Though the examples above are extreme cases, racial bias in law enforcement is systemic and occurs with varying degrees of violence and severity.

RACIALLY BIASED POLICING

The Problem

Racially biased policing is ubiquitous in France and the United States. Urban unrest in municipalities across France in 2005 after Benna and Traoré’s untimely deaths, and the
emergence of the movement for black lives following the acquittal of George Zimmerman (Trayvon Martin’s killer) in 2013 and the murder of Michael Brown in 2014 are symptomatic of abysmal relationships between minority communities and law enforcement (Schneider 2014; Taylor 2016). Scholars attribute poor police-community relations to institutional racism in law enforcement. Racially biased policing encompasses a range of police practices including racial profiling, the over-policing of communities of color, the disproportionate use of excessive or lethal force against minorities, and the routine harassment of people of color.

Racial profiling is “the use of race or ethnicity, or proxies thereof, by law enforcement officials as a basis for judgment of criminal suspicion” (Glaser 2015:3). In the United States, racial profiling is most frequently recognized in the realms of (1) street police stops—as in the Stop-and-Frisk policy of NYC, (2) police traffic stops and searches, (3) immigration enforcement—such as Arizona’s controversial SB 1070 law, and (4) anti-terrorism efforts, for example heightened screening in airports (German 2013). In France, “les contrôles au faciès” most often refers to (1) stops and searches in public spaces, especially but not limited to the street and train stations, (2) police traffic stops and searches, and (3) immigration control (Open Society Justice Initiative 2009). Racial profiling in France is generally conceived of as an issue facing those from the banlieues, those who are “visible minorities,” those who are immigrants themselves or of immigrant descent, and those who are perceived to Muslim.¹

Racial profiling is a widespread, quotidian occurrence in the lives of minorities in both democratic nations. In a 2013 Pew report, 70 percent of black Americans surveyed nationwide reported perceptions of unfair treatment by police; of all settings surveyed, interactions with police ranked first in perceived unfairness or discrimination (Pew Research Center 2013). And

¹ A discussion of the racialization process of those presumed to be immigrants and/or Muslim can be found below in the section titled Cultural Repertoires of Race.
these perceptions are not unwarranted. In New York City for example, wide disparities have been documented in street stops; a 2007 study by the RAND Corporation found that 89 percent of stops involved nonwhites (Ridgeway 2007). A report by the ACLU of Northern California (Schlosberg 2002) outlines the discriminatory practices of the San Francisco Police Department: police stopped African American motorists at significantly higher rates than others, and African American and Latino motorists were 3.3 times and 2.6 times more likely to be searched, respectively, following a traffic stop than whites. A report by the Open Society Justice Initiative (2009) determined that Blacks were 6.2 times more likely than whites to be stopped by police, where Arabs were 7.8 times more likely than whites to be stopped. Because the collection of ethno-racial statistics is generally not permissible in France, these findings are hard to replicate.

This has not stopped nonprofits from bringing awareness to the issue. For example, at a recent protest against racism I observed, members of Ligue internationale contre le racisme et l’antisémitisme (LICRA) carried posters with four squares ordered from dark brown at the top to a pale peach color at the bottom, each representing a different skin tone; next to each of these color blocks was a number representing the average number of times a person with that skin color is stopped. Unsurprisingly, the numbers were significantly lower for those with fair skin.

Racial bias, racial discrimination, and racial disparities in policing is not limited to racial profiling in the form of traffic or pedestrian stops. This study also focuses on the interrelated issues of the increased presence and over-policing in minority neighborhoods. Related is the routine harassment of people of color, who as a result of the over-policing of their communities,

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2 These odds ratios represent the average number of stops of members of different minority racial groups as compared to whites in a qualitative study where over 500 police stops and identity checks were observed in five different Parisian train stations (Open Society Justice Initiative 2009).

3 International League against Racism and Anti-Semitism
have frequent interactions with law enforcement. An additional issue is the disproportionate use of force, excessive force, or lethal force against minorities. As many scholars of the American justice system have noted, the issue of racially biased policing is the first point of contact with a criminal justice system rife with racial inequality (Alexander 2010; Glaser 2016; Glover 2009; Wacquant 2002).

The Response

Riots are far from the sole response to these largely unlawful practices. Advocates and activists have worked strategically to address the issue in both countries, highlighting human rights violations, civil rights violations, and asking whose interests these agencies serve. Anti-racist efforts aimed at racially biased policing necessitate the targeting of the state. Anti-racist efforts aimed at addressing institutional racism in employment, housing, or public accommodations (such as restaurants or stores) face the challenge of a wide array of targets or culprits. The vast number of employers, landlords, or business owners that may engage in racist practices makes it particularly challenging to mount a collective, successful fight against the practices. A focus on racially biased policing targets the state specifically. To be sure, particularly in the case of the U.S., law enforcement is not necessarily a unified, cohesive agency or system. In this sense, while anti-racist organizations must target the state, they may need to target multiple state agencies or institutions.4

4 Sociological definitions of institutions vary widely. Here, I draw on Hall and Taylor’s (1996) review of new institutionalism. These scholars define new approaches to the study of institutions as falling into one of three categories: historical, rational choice, and sociological. For the purposes of this study, I draw on the authors’ definition of sociological institutions. Hall and Taylor assert that the central problematic of the new institutionalism in sociology is to unpack “why organizations take on specific sets of institutional forms, procedures or symbols; and it emphasizes how such practices are diffused through organizational fields or across nations” (947). They note three main features of this approach to institutions. First, sociological new institutionalism is defined “more broadly than political scientists do to include, not just formal
Rarely, however, do organizations confront law enforcement agencies directly. Instead, their strategies and tactics are targeted at various state and non-state institutions. Advocacy organizations seek to change the laws, policies, procedures, and practices of law enforcement by applying pressure through legal institutions, through political institutions, or through the media, to name a few. Additionally, they utilize locally salient approaches to race to ground their anti-racist strategies. Because advocacy organizations are embedded in national contexts characterized by the presence of particular institutions, this study examines the strategies utilizing, navigating, and incorporating the various institutions that provide leverage on the issue.

Motivating Questions

This research begins with a descriptive question. Stated simply, what are anti-racist advocacy organizations doing to fight racially biased policing? What tactics and strategies do they employ? Which of these strategies and tactics are most salient? And how do these organizations employ them? While this study is centrally concerned with organizational strategy and tactics, I also ask how race factors into organizational strategy. I ask, how do organizations draw on cultural repertoires of race through their strategic and tactical actions?

Recognizing that organizations are shaped by their institutional contexts, this study also examines how institutions shape organizational action. France and the United States offer quite different institutional milieus. Important differences exist in their systems of law enforcement, in rules, procedures or norms, but the symbol systems, cognitive scripts and moral templates that provide the ‘frames of meaning’ guiding human action.” (947). Second, “institutions influence behavior not simply by specifying what one should do but also by specifying what one can imagine oneself doing in a given context” (p. 948). This particular component of their definition is particularly relevant for this investigation’s attention to variations in strategy and action, and echoes both Swidler’s (1986) “toolkit” as well as Tilly’s (1978) “repertoires of contention.” Lastly, Hall and Taylor (1996) reference the important of environment for sociological institutionalism noting, “organizations embrace specific institutional forms or practices because the latter are widely valued within a broader cultural environment” (949).
anti-discrimination law, in legal institutions, in political institutions, and in the nonprofits sectors. However, advocacy organizations draw on nearly identical repertoires of strategy and tactic. Herein lies the puzzle. How do national institutions shape these seemingly similar strategies and tactics?

Different fields of study attribute variation to divergent processes. Socio-legal studies explain divergence in anti-discrimination law by cultural and political processes (Kawar 2011, 2012; Saguy 2000, 2003; Suk 2008). The sociology of nonprofits, on the other hand, suggests that cross-national variation in nonprofit sector role and participation can be attributed to the sector’s relationship to the state (Anheier and Salamon 2006; Shofer and Fourcade-Gournichas 2001; Ullman 1998; Wuthnow 1991). Meanwhile, the sociology of anti-racist strategies and mobilization predicts class structures and culture will be important for cross-national differences (Lamont 2000a, 2000b; Lentin 2004; Lloyd 1998), as will political opportunity structures (McAdam 1999 [1982]). Given these three paradigms’ divergent explanations, I ask what accounts for cross-national differences and similarities in the strategies of anti-racist nonprofit organizations?

FRANCE AND THE UNITED STATES IN COMPARISON

This section provides an overview of the institutional similarities and differences in France and the United States. I begin with an argument for the comparative model. Second, I provide a discussion of law enforcement, comparing the systems in France to the United States. Next, I offer a discussion of the law and legal institutions. I then turn to a brief comparison of the French and American political systems. Last, I examine the role and structure of the nonprofit or civil society sectors in both countries.

Comparative Logic
Comparative studies require an agreement that noteworthy similarities and differences are present, and that these similarities and differences have important implications for outcomes or processes. As Bloemraad (2011) notes, comparisons can occur at various levels, ranging from the nation-state to the local level. However, she also notes that some question whether the nation-state is a useful unit of analysis. For example, Wimmer and Glick Schiller (2002) warn of methodological nationalism, or the assumption that the nation, state or sovereign society is the natural political form. They draw particular attention to processes of globalization and transnationalism that complicate the desire to focus on boundaries of the nation-state. The units of analysis in this study are organizations. These organizations pursue change at local, state, and national levels. However, they are also subject global conceptions of race and transnational organizational networks—both of which have important implications for the study of racially biased policing. However, because the ultimate aims of organizational actors, and the strategies and tactics they implement to pursue these aims, are targeting state laws, policies, and procedures, I deem the nation-state to be a valid cite. To be sure, my study is situated in a more localized context, two metropolitan areas: the San Francisco Bay Area and Île-de-France. Organizations in these metropolitan regions pursue work at the local and national levels.

This study examines the variation in institutions national contexts precisely to highlight the important differences in the two national contexts. What’s more, this study also recognizes the divergent levels of relative power and inter-field dynamics that position the French and American fields of advocacy organizations differently. Nonetheless, despite these differences the busiest sites of contention around the issue of policing in the two countries does indeed fall the realm of advocacy organizations.

France and the United States provide a rich comparison through which to examine the
role of NGOs in both shaping and upholding anti-racist laws. First, France and the United States are arguably the paradigmatic models of modern Western democracies. Both countries present examples of early implementation of Enlightenment ideals and have served as models of republicanism and democracy for future democratic societies. Lamont (2000a) has noted:

The values promoted by the French and American revolutions—equality, freedom, democracy, human rights, and so forth—have been presented to the world by politicians, ideologues, and intellectuals as the key values of modernity and the embodiment of reason and civilization. (p. 7)

While France and United states share these important values, they also have important distinctions. Lamont and Thévenot (2000) write, “The relationship between the public and private; between the political, the moral, and the religious; or between the individual and the collective are so different in the French and American contexts” (p. 3).

While “the race problem” as it pertains to rights and citizenship in the U.S. dates back to at least the end of the American Civil War in 1865, race as political issue in mainland France is a relatively newer problem. To be sure, France engaged in an active colonial project from the mid-17th century until the 1960s, establishing rule and exploiting resources and human capital in lands across the globe. And while racist structures and practices were the norm in the colonies, the “problem” of visible minorities, as some scholars (see for example Beauchemin et al. 2010) are now referring to blacks and North Africans residing in France, is a more recent phenomenon. Waves of immigrants from France’s former colonies after World War II have changed the racial landscape of France. Certainly, racism, or more specifically anti-Semitism, on the French mainland, or l’Hexagone, is often traced back to anti-Jewish sentiment at the turn of the last century—epitomized by the scandal of the Dreyfus affair. And while France has a long history of immigration, a national debate surrounding the problem of integrating the second generation is a newer problem, following the large influx of darker skinned populations from France’s former
colonies to l’Hexagone in the mid-twentieth century (Simon 2003).\(^5\)

Scholars have documented the presence, pervasiveness, and perceptions of ethno-racial discrimination in both France and the United States (Beaman 2012; Beauchemin et al. 2010; Essed 1991; Fassin and Fassin 2009; Feagin 1991; Feagin and Sikes 1994; Hirsch and Jack 2012; Ndiaye 2008; Pager and Shepherd 2008; Simon 2003). These studies highlight the experiences with ethno-racial discrimination within the institutions of employment, housing, and access to goods and services. Others have focused on the divergent rates police stops of different ethno-racial groups (Jobard 2009; Open Society Justice Initiative 2009; Scholosberg 2002), on the contextual, institutional, and cultural factors that lead police departments in both countries to adopt practices of racial profiling (Fagan and Davies 2000; Fassin 2011; Parker et al. 2004), and on the consequences of racial profiling (La Vigne et al. 2012; Open Society Justice Initiative 2009). When it comes to studies of anti-racism, the literature considers separately the causes for individual-level and collective anti-racist attitudes, discourse, and action.

**Systems of Law Enforcement**

The structures of French and American law enforcement differ dramatically. The United States has an extremely decentralized system of law enforcement. Law enforcement agencies exist at the federal, state and local levels, each under different leadership but with overlapping jurisdictions. The three levels do not, of course, mean that there are only three agencies with jurisdiction in a given metropolitan area. At the federal level, for example, the most significant agencies—in particular in regards to questions of racially biased policing—are the Department of

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\(^5\) Simon (2003) attributes this important difference in the national debate surrounding the question of integration of the second generation as a problem of visible minorities. Until approximately the 1970s, second generation immigrants in France were largely of European decent, and could follow straight-line assimilation theory. He notes, “a major explanation for [less favorable trajectories of the second generation] is the discrimination against the descendants of North African, Turkish and African immigrants” (Simon 2003:1092–93).
Justice (DOJ), which houses the Federal Bureau of Investigation, the US Marshals Service, the Drug Enforcement Administration, and the Federal Bureau of Prisons among other agencies and the Department of Homeland Security (DHS), which is comprised of the Secret Service, the US Immigration and Customs Enforcement (ICE), the US Customs and Border Protection, and the Coast Guard among many others. There are dozens of additional law enforcement agencies at the Federal level including, the Department of Defense, the Army, the Navy, the Air Force, National Park Police, just to name a few.

To understand state and local level authorities, I will turn our focus towards the San Francisco Bay Area. At the state level, important players in considering racist policing include California Highway Patrol as well as the California Department of Justice, which includes the Bureau of Investigation. At the county level there are sheriff departments with jurisdiction over cities in their domain: Alameda (Berkeley, Oakland), Contra Costa (Richmond), San Francisco and Santa Clara (San Jose). Each municipality also has its own police departments. In addition to these law enforcement agencies, there are also police departments and departments of public safety at colleges and universities; there are police departments of transit systems, for example the Bay Area Rapid Transit (BART) Police Department—responsible for the 2009 death of Oscar Grant.

In contrast, France has a highly centralized system of law enforcement. Generally speaking, all law enforcement falls under the leadership of the Minister of the Interior. There are two wings of the national law enforcement system in France: the Police Nationale and the Gendarmerie Nationale. The Police Nationale is responsible for Paris and other major urban areas, and is considered to be a civilian police force. They are also responsible for public transit, in particular train stations. The Gendarmerie Nationale is a part of the French armed forces and
falls under the jurisdiction of both the Minister of Defense and the Minister of the Interior, civilian matters are under the authority of the latter. The *gendarmerie*’s area of jurisdiction includes small towns and rural areas as well as airports and shipping ports. There are also municipal police in France who fall under the authority of the mayor, a political position that also has administrative police power.

It should be noted that there are two types of police roles with different types of authority in France: administrative police and judicial police. Administrative police have a more limited authority than traditional American conceptions of policing; their role is focused on preventative policing and maintenance of public order. This includes, for example, managing traffic or demonstrations. Judicial police are responsible for repressive policing. Their work includes pursuing crime suspects, making arrests, and investigating cases. Both administrative and judicial police may perform identity checks under different circumstances: administrative police may do so when needed to maintain public order, while judicial police may do so of suspected criminals.

*Laws and Legal Institutions*

*United States*. The Constitution of the United States safeguards individuals from unfair treatment by law enforcement. The Fourth Amendment prohibits “unreasonable searches and seizures” and protects against arbitrary arrests. It is upon this foundation which the Court has ruled that law enforcement officers must have reasonable suspicion in order to administer an investigatory police stop⁶ (Feder 2012; Johnson 2009). However, there are some circumstances under which ethnic or racial characteristics may be considered by law enforcement. In particular, race or ethnicity may be taken into account—as one of but not the sole consideration—when it is

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relevant to the law seeking to be enforced, for example the case of border patrol, or “if objective crime trend analysis validates use of [racial] characteristics as ‘risk factors’ in predicting criminal behavior” (Feder 2012:3).7

The equal protection clause of the Fourteenth Amendment stipulates, “No state shall […] deny to any person within its jurisdiction the equal protection of the laws.” This constitutional right guarantees that individuals will be treated equally by the state. As noted by Feder (2012), racial profiling may be challenged on the grounds that an individual officer stopped a claimant because of race, as well as on the grounds that a claimant was the victim of selective enforcement. The author clarifies, “[s]elective enforcement equal protection claims frequently focus on the policies of departments, beyond the impact of particular enforcement actions on individual defendants” (4).

In 2001, at the request of President Bush, the U.S. Department of Justice (DOJ) conducted a study to investigate the nature and scope of racial profiling in the policy and practices of federal law enforcement. In 2003, the Bush Administration banned the practice of racial profiling by federal law enforcement agencies, including the Drug Enforcement Administration, the Federal Bureau of Investigation, the Secret Service, and the Department of Homeland Security (U.S. Department of Justice 2003). Exceptions were made in the case of combatting potential terrorist threats.

After the unrest in Ferguson, MO in the summer of 2014 the DOJ issued new federal guidelines for the use of race, ethnicity, gender, national origin, religion, sexual orientation or gender identity (U.S. Department of Justice 2015). These new guidelines stipulate that while “specific characteristic-based information” (5) may be used when it is context specific and tied to

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a particular suspect or criminal incident. The guidelines state that “[r]eliance upon generalized stereotypes involving the listed characteristics is absolutely forbidden” (4). The exception for the use of stated characteristics are still permissible when faced with threats to homeland security. Further, it should be noted that these standards apply only to federal law enforcement agencies, and not to local agencies.

California law enforcement agents are prohibited from engaging in racial profiling according to Article 2 of the California Penal Code. On October 5, 2015, after strong pressure by nonprofit organizations in collaboration with activist organizations, Governor of California, Jerry Brown, signed into law the Racial and Identity Profiling Act of 2015. This new law requires all state and local law enforcement agencies to collect and report racial data for each stop made. In addition, this law expands the definition of racial profiling to “identity profiling” based on gender, national origin, religion, and sexual orientation. It requires increased training for police officers and establishes an advisory board to develop strategies to reduce profiling. The law goes into effect on July 1, 2016.

It should be noted that this study takes place in California, a state which now has one of the strongest laws on the books regarding racial profiling. It should be noted that not all states have laws prohibiting racial profiling. In fact, less than half of American states have such laws on the books, and of these, in six states (Alaska, Maryland, Minnesota, Missouri, Nevada and West Virginia) these laws only apply to motorists. California then, serves as an extreme case to study.

France. Article 1 of the Preamble to the French Constitution asserts that all citizens are to be treated equally in accordance with the Declaration of the Rights of Man of 1789, and “without distinction of origin, race or religion.” Under these constitutional guidelines, French law
enforcement officials are prohibited from targeting individuals on the bases of country of origin, race or religion.

In France, it is illegal for police to stop, search or check the identity of individuals solely on the grounds of racial, ethnic or religious background. However, the French police have broad stop and search powers. According to Article 78.2 of the French Code of Criminal Procedure, law enforcement officials may ask an individual to provide proof of identification when suspected of committing a crime, attempting to commit a crime, has information pertaining to a crime, is under investigation by the state, or is a disturbance to public order. Law enforcement agents are also permitted to stop civilians with twenty kilometers of state borders and at hubs of international transportation (ports, airports, and train stations) without pretense of investigating crimes or preventing public disturbance (Open Society Justice Initiative 2009).

Racial profiling is addressed specifically in the French Deontology Code. This regulatory document stipulates that law enforcement officials may not rely on “any physical characteristic or distinctive sign,” when conducting an identity check. The exception to this code is defined as a case in which the identity check is motivated by a specific signaling.

*Complaints and Recourse.* In both countries there are various routes for filing formal complaints or seeking recourse, but rarely do these pursuits lead to real justice. Systemic racial inequalities and racial discrimination are rampant in French and American law enforcement agencies. In France, individuals may file a complaint with the police’s internal review. They may also file a complaint with the Défenseur des droits (DDD),

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8 Defender of Rights. The DDD is a state agency, which holds a role similar to that of the Equal Employment and Opportunity Commission, but with a far broader realm of issues under its jurisdiction. The DDD subsumed the High Authority for the Struggle against Discrimination and for Equality (*Haute Autorité de Lutte contre les Discriminations et pour l’Égalité*, HALDE) when it was created in 2004.
The National Consultative Commission on Human Rights (CNCDH),\(^9\) which produces yearly reports on abuses of rights. In the United States, police departments have internal investigations. Some cities (such as San Francisco and Berkeley) have local review boards or commissions, though these boards’ power is limited in that their decisions may not be binding or they may not have the power to enforce them. Individuals can sue through the criminal or civil court systems. In addition, in egregious cases of racism or abuse, the Department of Justice may choose to conduct an investigation that has the potential to lead to systemic changes.

**Political Institutions**

From the standpoint of advocacy organizations in this study, the federalist system of the United States and to the highly centralized French government are particularly central to anti-racist advocacy efforts. In the United States, policing and contestation of discriminatory police practices happen at the local level. Because law enforcement agencies with direct contact with communities in their day-to-day lives are largely those at the municipal, county, and state levels, engagement with local and state political institutions are common. Anti-racist advocates and activists seek to apply to pressure through municipality’s mayoral office, as well as to city councilmembers. In addition, they are highly motivated to pursue policy change at the state level, by engaging the state governor, as well as state senate and assembly members.

In France where law enforcement is highly centralized, organizational actors advocate for policy change and engage in politics at the national level. As such, the targets of their efforts are aimed at the President and the Minister of the Interior, who holds authority over all law enforcement. In addition, they pursue policy change by lobbying or otherwise engaging members of the French Parliament.

\(^{9}\) National Consultative Commission on Human Rights
Equally significant is the role of political parties, particularly in France. In France, the nonprofit sector is by and large financed by the government. As such, forming political alliances serves nonprofit organizations in their efforts to secure funding. The multi-party system and coalitions formed between political parties have the potential to affect the level of resources allocated to nonprofit organizations, particularly those that are small, local, and not widely known. Larger, high-status nonprofit organizations that are established, institutionalized are less vulnerable to changes in political leadership. At least one small, neighborhood-based organization included in the study reported a total loss of funding due to tension with political party in power. These concerns are virtually nonexistent in the United States. Because nonprofit organizations generally have multiple streams of revenue, they are not susceptible to losing funding due to shifts which party in the two-party system finds itself in power. In addition, because organizations receive funding from various levels of government—local, state, and federal—and policing issues are largely local, this provides an extra layer of buffer.

Civil Society and the Welfare State

The nonprofit sector is the predominant field in which contestations over racially biased policing occur. To the extent that social movement organizations were also engaged in this struggle (as was the case in the United States where the movement for black lives was emerging during my fieldwork), they regularly collaborated with, interacted with, or challenged nonprofit organizational actors. Understanding the variations in shape, weight, and feel of the nonprofit sectors in the two countries is paramount for understanding how these organizations strategized.

In both countries, holding official nonprofit status requires registering with the state. It is perhaps redundant to state explicitly, but in neither country may nonprofit organizations have a profit motive. In the United States, nonprofits are defined by their 501(c) tax status. These
organizations are exempt from federal income taxes. The majority (64.5 percent) of the American organizations included in this study hold 502(c)(3) status, which comprises charitable, educational, religious, and scientific organizations. These organizations must have a board of trustees. The state regulates the political involvement of organizations with this specific tax exemption; 501(c)(3) organizations may engage in political lobbying, but may not campaign for a particular political candidate, for example. With regards to funding, 501(c) status can improve an organization’s financial position because it encourages private giving; individuals can write off their financial or other material contributions to these organizations in their own personal taxes.

French nonprofits must register with the French government under the *Association Loi de 1901* (Nonprofit Law of 1901). This law signals a departure from the tenets of the French Revolution, which banned religious communities, interest groups, or other types of private organizations that could potentially disrupt the relationship between citizen and state; the latter was presumed to be in service of the common good. The Law of 1901 still embodies France’s secular stance, permitting the formation of cultural organizations. These nonprofits must have a clear mission and by-laws, and the organization must be run democratically. Once registered as a nonprofit under the Law of 1901, French organizations are eligible for state funding and other state resources (for example meeting space in the local *Maison des Associations*\(^\text{10}\)). These state advantages are important because they represent the primary source of financing received by French nonprofit organizations. Most French advocacy organizations (81.0 percent) in the French sample are registered nonprofits under the Law of 1901.

\(^{10}\) House of Nonprofit Organizations, a state owned facility with meeting space, generally located in each of a city’s neighborhoods or *arrondissements*. 
Nonprofit organizations occupy an increasingly important role in modern, post-industrial capitalist societies. For example, French associations employ nearly 2 million individuals (Laville and Sainsaulieu 2013 [1997]); and in first decade of the twenty-first century, French associations accounted for more job creation than the private sector (Laville and Sainsaulieu 2013 [1997]). Citing a national survey, Veugelers and Lamont (1991) note that “associations” in France are viewed as the institutions offering the most significant expression of democracy (as compared to unions, churches, political parties, and public authorities). In the United States, nonprofits and the voluntary sector have long been considered a central foundation to American democracy. Today, nonprofits employment accounts for nearly 10 percent of the American workforce (Roeger, Blackwood, and Pettijohn 2012). Salamon (2006) finds that France ranks eighth with 7.6 percent of its active workforce working in the third sector, and the United States ranks fifth with 9.8 percent. Additionally, nonprofit organizations in both France and the U.S. engage in various strategic activist and advocacy work around questions of discrimination, and civil and human rights.

Comparative studies of the nonprofit sector have traditionally focused on three outcomes: role and relationship to the state, sector growth, and voluntarism or participation rates. These outcomes have been explained by the nonprofits sector’s relationship to the market, to the state or sometimes more specifically the welfare state, and to social-political histories and geographic context. My study builds on these studies by examining a slightly different but equally important outcome of this sector: the strategies and tactics of advocacy organizations.

I focus in particular to the nonprofit sector’s relationship to the state, because the advocacy organizations included in the study are engaged in strategic efforts aimed at reforming

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11 These figures comprise both salaried employees and volunteer staff.
the state. As such, the relationship to the state is central. Nonprofits are defined by their legal (state regulated) inability to accumulate profit and hence, by their relationship to the state. We should therefore expect to observe variation from one national context to the next. Not surprisingly, scholars (DiMaggio and Anheier 1990; Salaman 2006; Veugelers and Lamont 1991) have noted important national differences in the relationships between NGOs and the state. American nonprofits are largely considered a third sector, removed from the state and the market (though funding generally comes from both) (Wuthnow 1991), while French nonprofits are often viewed as the lowest tier of government. To this point, Ullman (1998) distinguishes between the American Reagan/Thatcher-style neoconservative regimes that have abandoned social welfare responsibilities, leaving them to the nonprofit sector, and regimes that have delegated responsibilities to the third sector, as is the case in France. This distinction emphasizes the control and partnership between the state and nonprofit sector in France, and its separateness in the U.S. SOS Racisme, for example, is routinely characterized as being closely aligned with the French Socialist Party (Gibb 2001; Juhem 2001) especially because the organization’s first president, Harlem Désir, is now the head of the Socialist Party.

Elsewhere nonprofits are analyzed for their provision of social welfare. Borrowing the typology of Esping-Andersen (1990), Anheier and Salamon (2006) explain different developments of the nonprofit sector according to state spending on public social-welfare and percentage of civil society employment (both measured in terms of GDP). Under this model, the United States falls under the “Liberal” category, in which there is low social-welfare spending but high civil society employment, and France is categorized as being “Corporatist,” or high public social-welfare spending and high civil society employment.
The nonprofit sector is also analyzed in terms of rates of civic engagement. Schofer and Fourcade-Gournichas (2001), for example, place states in the categories of high or low statism and corporateness. High statism refers to political sovereignty characterized by a centralized and autonomous state apparatus, while on the other end of the continuum low statism is characterized by decentralized political power and an active and organized public (Schofer and Fourcade-Gournichas 2001:811). The second dimension, corporateness, refers to whether sovereign agents are located in the individual or in organized groups or collectives (Shofer and Gournichas 2001: 813). France falls under high statism and low corporateness, and the U.S. falls under the category of low statism and low corporateness under this model. They use this typology to predict associational membership, and find that high statism has a strong negative effect on membership in “new social movements” organizations (which comprise the advocacy organizations of this study).

Rather than ask how much participation in the voluntary sector occurs and in which areas, this study examines what kinds of strategies and tactics are used and what accounts for cross-national similarities and variation. To be sure, while this study contains a sizeable sample of nonprofit organizations, also include are advocacy organizations that are not profit oriented, but which are not formally registered nonprofits with the state.

Andrews and Edwards (2004) define advocacy organizations as organizations that “make public interest claims either promoting or resisting social change that, if implemented, would conflict with the social, cultural, political, or economic interests or values of other constituencies

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12 Schofer and Fourcade-Gournichas offer this model in contrast to Esping-Andersen’s to offer (1) a historical model of the three different regime types, and (2) to more adequately account for the French case, in particular, as well as other southern European cases (811).
and groups” (481). This project seeks to examine what Jenkins’ (2006)\(^ {13} \) defines as a narrow, “rights based” conception of advocacy as well as a broader, “civic involvement” definition of advocacy. The former includes the formal involvement with government entities in order to lobby, uphold, monitor, or define rules or procedures (Jenkins 2006). The latter refers to grassroots lobbying in which attention is devoted to the public, rather than government entities, to raise awareness, educate, or encourage civic action (Jenkins 2006). The organizations in this study engage in a wide variety of strategic activities to advocate their cause: dismantling, eliminated, or reducing racial bias in law enforcement practices.

THEORETICAL FRAMEWORK

_Strategizing Social Change_

The strategies and tactics of movement actors and organizations have been central to the foundational scholarship on collective action (see for example Barnes and Kasse 1979; Gamson 1975, Piven and Cloward 1977). Movement tactics and strategies are a significant area of inquiry in the literature on social movements because it is through these processes that groups are able to overcome their relative powerlessness (Gamson 1975; McAdam 1983). Tilly’s (1978) infamous argument maintains contentious politics often draws from a toolkit of actions or a _repertoire of contention_. As Staggenbord (1988) notes, the formalization and institutionalization of social movement tactics often occurs when SMOs enter into institutionalized contexts, for example when engaging in political lobbying. She asserts that these formalized tactics are preferred among formalized organizations because they are more compatible with the formalized structure of the organizations, for example in planning schedules or allocating resources (Staggenbord 1988). Scholars have traditionally distinguished between traditional or mainstream politics on the

\(^{13}\) Jenkins cites Boris and Mosher-Williams 1998.
one hand, and nontraditional or contentious politics on the other. More recently, some have
criticized this division, noting that mobilizing forms traditionally conceived of as nontraditional
are having increasingly important interactions with mainstream politics, for example the Obama
campaign and the Tea Party (Fisher 2012). Organizations included in this study engage in the
range of strategies and tactics that fall along the spectrum from traditional to contentious. I
include them all to examine the full range of strategic actions utilized by advocacy organizations.

Scholars have also focused on the changing nature of tactics, or *tactical innovation*. Morris (1981) argues that the spread tactical innovation is a function of pre-existing social
structures, particularly activist groups, formal movement organizations, colleges and personal
networks. While McAdam’s (1999 [1982]) is perhaps most well-known for his theorizing of the
*political process model*, which considers how organizational structure and political opportunities
shape social movements, he also considers the importance of sustaining movements through
tactical innovations (McAdam 1983). In his study of tactical innovations, McAdam argues that
the black movement “developed and applied a series of highly effective new tactical forms that,
in succession, breathed new life into the movement” between 1955 and 1965 (1983:752). These
tactical innovations, however, were met with *tactical adaptations* by movement opponents to
quell the movement.

I use the term *tactics* to signify the the specific and discrete actions implemented by an
organization towards their strategic goal. I define *strategies* as a collection of tactics oriented by
a particular logic and organized coherently towards a longer-term goal.

*Organizational Fields and Anti-Racist Advocacy Organizations*

Three prominent approaches to field theory greatly shape the conceptual grounding of
this study. Bourdieu’s (1984, 1993) seminal works on field theory, and in particular his
theorization of relationships of power and capital are central to my conceptualization of the relationships between the organizations included in this work. While the Bourdieusian approach privileges the study of individuals, this research greatly borrows from DiMaggio and Powell’s (1991) neo-institutional approach. Lastly, because this study focuses on a field of organizations involved in a political fight, I draw on the useful concept of inter-field dynamics and the framing of the field as a site of change rather than stability from Fligstein and McAdam’s (2011, 2012) theory of strategic action fields.

For Bourdieu, a field consists of a set of social actors who have a stake in a particular phenomenon and whose relationships to one another are characterized by unequal power relations. The major concepts of his framework are the field, the structure of hierarchical relationships or terrain on which the “game” is played (Bourdieu and Wacquant 1992); capital, the materialized, objectified, or embodied accumulation of labor can be categorized as economic, cultural, or social (Bourdieu 1986); and habitus, a concept which serves as a rupture to rational choice and instead understands agency through the logic or dispositions characteristic of one’s field position (Bourdieu and Wacquant 1992). Social actors exert domination through their access to or possession of capital, occupy different positions in the field along lines of capital, and are clustered according to these positions (Kluttz and Fligstein 2016).

This study insists upon this relational approach to the organizational field. Organizations in this study offer varied conceptualizations of the social problem at hand. At stake are questions of how racially biased policing ought to be conceived and framed, the ultimate aims of anti-racist actions and measures of success, and the strategies and tactics most useful for accomplishing these goals. Organizations possess varying levels of economic capital, cultural capital (to navigate diverse institutions), and social capital (to represent or connect with constituents or
sway political figures). While organizations may not embody habitus, per se, they are governed by distinctive logics. For example, American organizations vary in the degree to which their aims are revolutionary or reformist; French organizations vary in the degree to which they seek to appeal to race-consciousness or race-blind strategies.

Because organizations are the central unit of analysis, DiMaggio and Powell’s (1991) classic new institutional articulation of an organizational field is particularly useful. They define an organizational field as “those organizations that, in the aggregate, constitute a recognized area of institutional life: key suppliers, resource and product consumers, regulatory agencies, and other organizations that produce similar services or products” (148). Scott (1992) distinguishes between populations and fields of organizations. The former refers to “aggregates of organizations that are alike in some respect—for example institutions of higher education or newspapers” (Scott 1992:127). The fields approach, on the other hand, “emphasizes not the individual organizational units or even their characteristics as an aggregate, but rather the network of relations among them” (Scott 1992:128). Organizational fields are theorized as being governed by relationships beyond mere competition, in particular the quest for legitimacy (Kluttz and Fligstein 2016). I argue that sample of organizations included in this study constitute a field rather than an ecological population because of the variation in types of organizations included—ranging from multi-issue focused advocacy organizations to organizations with a single focus on racism in policing, which are comprised of foundations, highly institutionalized nonprofits, community-based organizations, social movement organizations, and even one political party. Secondly, this study’s analytic focus is not the characteristics of the organizations but to the ways in which their positions in the field, and their relationships to one another and to other institutions shape these organizations’ activities.
Central to this organizational field theory also is the open-nature of the relationship between organizations to their environment (Scott 1992). As noted above, a central concern of this study are the ways in which organizations interact with their institutional environment. Meyer and Rowan (1977) and DiMaggio and Powell (1991) have famously theorized that organizations adapt to their institutional environments through processes of isomorphism (for reviews see Kluttz and Fligstein 2016; and Scott 1992). While beyond the scope of the principal inquiry of this research, the degree to which the fields of advocacy organizations are solidified is dissimilar between France and the United States; we observe greater organizational convergence in the highly professionalized and institutionalized American nonprofit sector as compared to France, which has a less developed nonprofit sector. These considerations contribute to understanding how and why organizational strategy is distributed differently across the two fields.

Fligstein and McAdam (2011, 2012; see also Kluttz and Fligstein 2016) see their work as integrating neo-institutional theory with Bourdieusian field theory. Like Bourdieu, their theory posits the jockeying for position between social actors, whom they dub challengers, incumbents, and governance units (Fligstein and McAdam 2011, 2012). They argue, however, that while Bourdieu largely focused on the reproduction of social hierarchy and the status quo, their approach offers a theory of social change. Because their work bridges organizational and social movement literatures, their analysis is inherently political and change oriented. Strategic action field theory’s emphasis on change is particularly important for his project, which considers activities of advocacy organizations aimed at challenging, reducing, or destroying racism in law enforcement.
Borrowing from new institutionalism, the theory of strategic action fields centers on collective social actors rather than individuals (Fligstein and McAdam 2011). Their theory posits an adversarial relationship in the field; they argue that challengers and incumbents can be conceived of as “a dominant coalition confronting a less organized opposition” (Fligstein and McAdam 2011:6). They note that the degree of contention or consensus is in constant flux as organizations jockey for position even in times of a settled field (Kluttz and Fligstein 2016).

Lastly, a key contribution of strategic action fields is its attention to inter-field relations. Fligstein and McAdam (2012) focus not solely on internal field dynamics but on the ways in which a field’s embeddedness in or interactions with other fields foster relationships of dependence or interdependence. This insight is central for understanding how advocacy organizations are dependent upon economic resources from the state or philanthropic organizations, for example. It is also essential for theorizing the ways in which fields interact with other institutions or organizations.

Political Opportunity: Extending Movement Theory Beyond Movements

As noted in the previous above, this study is centrally concerned with the ways in which organizations pursue strategies and tactics and how these activities are shaped by their field and institutional environment. The political process model is one articulation of the relationship between social movement actors and external structures. As summarized by Meyer (2004), “the primary point of the political process approach was that activists do not choose goals, strategies, and tactics in a vacuum. Rather, the political context, conceptualized fairly broadly, sets the grievances around which activists mobilize, advantaging some claims and disadvantaging others” (127–8). Political opportunity theory posits that social actors will strategically pursue
course for social change when the opportunity—often conceptualized as a weakness in the political structure—presents itself.

Foundational studies of political opportunity theory have promoted cross-national comparisons, specified changes in political context over time, in order to better explain the choice for particular strategic or tactical choices over others. Tilly (1978) famously described activists are choosing from a range of possible tactics within the “repertoire of contention.” Building on this insight, McAdam’s (1982) seminal study of the Civil Rights Movement considered changes over time, by examining the ways in which shifts in the political, economic, and cultural environment produced the movement’s rise and fall. For his part, Tarrow (1989) analyzed the “cycle of protest” in Italy, in which mobilization was initially encouraged by the government but then repressed once instances of violence occurred. State repression increased the risk involved in taking to the streets, which led to activists pursuing conventional political strategies, effectively coopting and incorporating dissent into the state.

In addition to perspectives looking at the development of movements over time to detect changes in political contexts, other scholars have performed comparative research across space. Comparing across four different countries—France, Sweden, the United States, and West Germany—Kitschelt (1986) examined the how open or closed political input structures and strong or weak political output structures influence the choice of protest strategies. McAdam, McCarthy and Zald (1996) also offer a compelling argument for comparative analysis. These authors highlight the ways in which comparative analysis illuminates the processes that they view as being the three most significant factors that shape social movements: political opportunity, mobilizing structures, and framing. These authors offer a picture of the various
ways in which differing political contexts—changing across time or distinctive to geo-political context—shape movement creation, dynamics, and outcomes.

This line of inquiry has also provoked several strong critiques. Scholars critiquing political opportunity theory have emphasized the extreme variation in the concept’s operationalization (Goodwin and Jasper 1999; Meyer and Minkoff 2004); its overly broad scope, which allows any and everything to be explained by the model (Goodwin and Jasper 1999; Koopmans 1999); and the theory’s overly structural interpretation and inattention to cultural processes (Goodwin and Jasper 1999; Jasper 1998; Morris 2000). In addition to these widely shared critiques, Morris (2000) offers two particularly useful suggestions for better theorizing the sources of agency in social movement groups. In particular, he argues that scholars ought to pay greater attention to the histories of protest, noting that “in some instances, collective action can generate political opportunities where none existed previously” (Morris 2000:447). Morris argues that “tactical matters are treated as a dynamic rather than a causal factor” (449). He also points out that political opportunity theorists using time-series date have wrongly attributed equal weight to disparate events, and that future scholarship ought to pay greater attention to the role played by “transformative events,” for example the Montgomery bus boycott. Other scholars have sought to supplement the structural approach to explaining social movements by analyzing the important cultural processes of framing, narrative, and emotions, to name a few, that are central to mobilization (see Benford and Snow 2000; Jasper 1998, 2011; Poletta 2006).

In light of these important critiques and theoretical approaches, this busy field has attempted to incorporate processes of meaning making into its fabric. For example, Kurzman (1996) insists upon meaning making processes in his analysis of political process theory. Kurzman’s (1996) study of the Iran focuses on moments of mismatch, when perceptions of
opportunity did not in fact correspond to material shifts in state openness or in political
opportunity. His “deviant” case suggests that at least at times, perceptions of political
opportunities outweigh actual changes to the political opportunity structure. Similarly, in seeking
to specify the scope and mechanisms of political process theory, Meyer and Minkoff (2004)
analyze the mechanisms driving political opportunity. They argue that specifying mechanism as
operating through a “structural model” or a “signals model” will yield different results. The
signals model operates under the logic that “activists and officials monitor changes in the
political environment, looking for encouragement for mobilization and for advocating policy
reforms’ (Meyer and Minkoff 2004:1470). This logic privileges the interpretive, meaning-
making, or framing done by activists. Kurzman (2008) notes the ways in which former
structuralists have embraced concepts such as framing, collective identity, or narrative into their
analysis of the emergence and dynamics of social movements.

This study takes direction from several critiques and suggestions for improvements to the
field of political opportunity theory. In particular, like Kurzman (1996), I analyze the ways in
which organizational actors perceive the political environment. Rather than emphasize
discrepancies between “perceived” and “real” changes to political opportunity, I privilege the
ways in which organizational actors make decisions about when to pursue social change and
which tactics or strategies to employ. Under this broad aim, I take particular heed from Morris’s
(2000) suggestion that scholars pay greater attention to both “protest histories” and to
“transformative events.” Lastly, I extend the realm of study by examining the strategies of a
wider field of advocacy organizations, and not only the mobilization efforts or internal dynamics
of movements or movement organizations.

Cultural Repertoires of Race
Lay conceptions of the meaning of race and official policies and laws regulating race and racism in France and the United States do not overlap neatly. Certainly, race and racism are socially constructed and context-specific identities and processes. While the nuances vary from one context to the next, the establishment of ethno-racial categories in a given context, or the process of racialization, is tied to state projects (Fredrickson 2002; Omi and Winant 1994). More specifically, race becomes a salient category of exclusion as institutions and structures establish or sustain a hierarchical racial order (Fredrickson 2002:5–6). Such “overtly racist regimes” can be traced to both countries; and most examples have appeared in the form of anti-Semitism in France at the turn of the twentieth century through World War II and the French colonial project, and anti-black racism in the United States, particularly during slavery through the Jim Crow era. Differences in French and American racial and racist ideology are crucial for understanding anti-racism in the two contexts.

Central to inquiries into anti-racism are the ways in which social actors perceive race. This study begins from the premise that race is historically contingent and socio-politically and culturally constructed. I draw on Omi and Winant’s articulation of race, which defines it as “a concept which signifies and symbolizes social conflicts and interests by referring to different types of human bodies. […] selections of these particular human features for purposes of racial signification is always an necessarily historical and social process” (1994:55). Per their theory then, it follows that race is a product of racial projects, and often of racist projects—of racism. If racism precedes racism, a working definition is always required. I follow Wilson’s explanation of racism as “an ideology of racial domination or exploitation that (1) incorporates beliefs in a particular race’s cultural and/or inherent biological inferiority and (2) uses such beliefs to justify and prescribe inferior or treatment for that group” (1973:32). These theories of race and racism
situate the analysis of responses to state violence through law enforcement as a system of
domination of communities of color.

Culture is central to accounts of how social movement organizations and actors emerge,
mobilize, strategize, succeed, and fail (see for example Benford and Snow 2000; Berezin 1997;
Polletta and Jasper 2001; and Walder 2009). Frames, identities and identification processes,
narratives, and emotions are important cultural processes that drive collective and organizational
action. These cultural elements are part of the vision that movement actors bring to their
activism. Anti-racist advocates and activists bring their vision of social change within the
constraints of a given context’s racial ideology. In France as in the United States, organizational
actors strategized to address of racially biased policing within two distinct racial ideologies
which are historically, politically, and socially specific. In France, race is not a highly salient
social category. Debates about identity and belonging in France are rooted in concerns over
immigrant status, religion, and culture than in racial ideology (Beriss 2004; Brubaker 1992).
Conversely, race can be categorized as a master category in the United States (Omi and Winant
2015). The American racial ideology has profound effects on the “history, polity, economic
structure and culture of the United States” (Omi and Winant 2015:106).

To be sure, France and the United States are not isolated nations with entirely unique or
distinct racialization processes or racial categories. If race is a political project (Omi and Winant
1992), then it is crucial that these racial projects be understood in the context of globalization
and transnational political fields (see for example Paschel 2016). French and American racialized
histories are intertwined. Today, there exists near consensus between France and the United
States in terms of widely accepted or recognized racial categories. Moreover, these countries
have been characterized as converging on the question of race, particularly in the realm of race
policy (Lieberman 2004). Despite these points of convergence, the national ideologies of race are expressed differently, with race being master social category in the US and race being less central social category in France.

To examine anti-racism is to unpack racial ideology. To address racism, organizational actors in the two contexts must contend with the dominant racial ideology. While, ideologies offer a coherently articulated set of beliefs, cultural sociologist recognize that they are rarely expressed in a clear, cogent statement by social actors (Polletta 2006). As such, I build on Swidler’s (1986) concept of the toolkit and Lamont and Thévenot’s (2000) definition of national cultural repertoires. Swidler theorized culture as being a toolkit or repertoire, from which social actors choose a range of possible actions. Lamont and Thévenot argue that these repertoires are not evenly available across situations or national contexts (2000:1). I build on these concepts and theorize national cultural repertoires of race. I define the concept of cultural repertoires of race as the shared symbols (discursive, visual or other) of race that are, like race, historically contingent and socially specific, and/or representative of a national racial ideology. National cultural repertoires of race are not evenly available across national contexts. I focus in particular on the national context because of the nation-state’s powerful role in creating racial categorizations through policy and law.

THE ROADMAP

My study examines the ways in which institutions in France and the United States shape the strategic and tactical activity of advocacy organizations working on the issue of racially biased policing. In what follows, I provide a description of the data and methods, an empirical chapter that considers strategy distribution across organizational fields, an empirical chapter that examines how organizational actors perceive opportunities for deploying strategic action, an
empirical chapter that analyzes how organizational actors use national repertoires of race in their tactics, and a provide a conclusory chapter which synthesizes the findings and offers implications for the study of anti-racism in diverse institutional milieus.
Chapter Two: Data And Methods

The aims of this study are (1) to assess how national institutional contexts shape the trends in organizational strategy, (2) to identify the processes through which organizational strategies and tactics emerge, and (3) to document how these strategies and tactics are executed. Specifically, this comparative study examines how legal institutions, political institutions, law enforcement institutions, civil society institutions, and racial ideology constrained and enabled organizational strategy in two Western democracies. To analyze the relationship between institutions, ideology, and organizational strategy, I studied anti-racist advocacy organizations to unpack what they did, when it was done, how they did it, and why they did it. The data and methods detailed below were utilized to assess the following questions: What strategies and tactics do advocacy organizations employ? How do these strategies and tactics vary by organization type and position in the organizational field? How do national institutions shape the distribution and nature of these strategies?

To examine how organizational actors strategically address the issue of racially biased policing under differing institutional constraints, I employed a qualitative methodological approach. In particular, this study utilizes interview, ethnographic, and archival methods. I engaged in 30 months of fieldwork between fall 2013 and winter 2016, and then conducted several follow-up interviews afterwards. I collected data in France over ten months, between September 2013 and July 2014, and in the United States, between September 2014 and March 2016.

In total, the study contains analysis of 52 organizations. The French sample consists of 21 anti-racist advocacy organizations and the American sample contains 31 organizations. Of these
advocacy organizations, a majority are officially registered nonprofits\(^\text{14}\) (N=37), while the remaining organizations represent grassroots, social movement (including one French organization that is technically registered as a political party), or community-based organizations that are not officially registered nonprofits (N=15). Official nonprofits accounted for approximately four-fifths of the French sample (N=17), and roughly two-thirds (N=20) of the sample of American organizations. Grassroots, social movement, community-based organizations, and collectives accounted for the remaining fifth of the French organizations (N=4) and the remaining third of American organizations (N=11). While I attempted to construct comparable samples, I also sought to include as many of the most prominent and active advocacy organizations working on the issue of racially biased policing as possible. In order examine those organizations engaged in strategic action, I sought to achieve variation in organizational scope, size, institutionalization, power, and influence in both contexts. In addition, the sample was constructed to reflect the important work being done in the two countries.

As such, the samples differ in some important ways. For example, while in France international NGOs play an important role in addressing racially biased policing, international NGOs were not actively engaged in this work in the U.S. site. In comparison, the United States has a far more substantial nonprofit sector; as such, a great deal more nonprofits were working on the issue and consequently yielded a larger American sample. Additionally, the skewed proportions of formal nonprofits to alternative organizational forms in the two countries largely reflects the timeliness of this research—during the time of data collection in the United States, a social movement addressing issues of racial profiling, police brutality, and police killings was on the rise. This was not the case in France. Hence, we observe the presence of a greater number of

\(^\text{14}\) Official nonprofits are those organizations with 501(c) tax status in the United States or registered under the Law of 1901 in France.
social movement organizations in the American context.

SHIFTING TERRAIN

When I began considering questions of racial bias in policing, I originally focused on the issue of racial profiling and limited my scope of inquiry to the nonprofit sector. At the time of the study’s initial conception in 2012, questions of racial justice (around policing or otherwise) were not at the forefront of national politics in France or the United States. To be sure, the issue of Stop-and-Frisk was important in New York City, but it was generally not considered a national social problem by politicians, the media, or the American public. From this context, I was interested in how efforts aimed at anti-racist social change unfolded absent of public attention or a social movement. As such, I chose to examine the slow, persistent work of civil society organizations, nonprofits, and NGOs actively working to reduce issues of racial profiling.

My field of inquiry expanded upon beginning fieldwork in France. By employing a theoretically informed (Wilson and Chaddha 2010) but inductive and grounded approach (Charmaz 2006), my questions changed and the scope and focus of the study shifted. As I began interviewing organizational actors in France, I quickly learned that the issue of racial profiling—or identity checks—was often considered by organizations, alongside other topics: abusive police practices, namely, routine harassment of minorities, use of force, and use of lethal force. The organizations that addressed questions of racism and policing perceived these issues as intertwined. Their advocacy for one sub-issue often overlapped with others. As a result, I chose to expand my area of inquiry from racial profiling alone to other issues falling under the umbrella of racially biased policing. In addition, the nonprofit sector in France is limited in size, resources, and power to effectuate social change. Several important organizations engaged in work around policing that were not officially registered nonprofits, but instead grassroots
organizations, unions, and political parties. In order to encompass the full range of strategies deployed, I included some of these organizations in the study.

While my fieldwork in France expanded to include a broader conceptualization of racism and policing, as well as not-for-profit organizations that did not hold official nonprofit status, the general question driving my research question was fundamentally the same: I sought to examine how national context shaped the work of anti-racist advocacy organizations in the absence of widespread public attention to the social problem of racially biased policing. However, I returned to the United States in July of 2014, just one month before Michael Brown was killed by Ferguson police officer, Darren Wilson. Unexpectedly, the issues of police use of force and racial bias were catapulted into the national dialogue in America. The Movement for Black Lives emerged as a burgeoning social movement. Not only did my research question no longer make sense given the new, widespread attention to the issue of racial biased policing, but also it felt intellectually irresponsible to not include social movement organizations, which were now at the center of the public attention and work. In addition, this provided an opportunity to empirically document how social movements interact with and shape the goals of the field of advocacy organizations working on issues of racism and policing.

Lastly, subsequent to my data collection in France, several terrorist attacks occurred in and around Paris in 2015. In January 2015, a Jewish market and the satirical magazine, Charlie Hebdo, Later that year in November, coordinated attacks occurred at the Stade de France and at the Bataclan Theater. These attacks precipitated expanded powers of French law enforcement. Concerns over the impunity of the French police given their increased power have certainly increased since my data collection. While my data do not capture these recent developments in the French context, I find it nevertheless important to note this change to the French national
context. I will offer my hypotheses for what these changes may mean for my findings in the conclusion. In addition, I plan to return to Paris in order to conduct follow-up research in order to explore the changes to organizational strategy subsequent to the attacks after the completion of the dissertation.

STUDY DESIGN

Comparative Design

In each country, I collected qualitative data on a range of nonprofit organizations (and several grassroots or community-based organizations that are not registered nonprofits) in order to map the field of advocacy organizations doing anti-racist work around policing, and determine the modalities of strategic actions employed. From these organizations, I gathered textual materials, consisting primarily of mission statements, platforms, and stated goals. I conducted in-depth, semi-structured interviews with at least one individual (directors, program heads or key decision makers) for all advocacy organizations included in the sample.\(^{15}\) Interviews centered on organizational efforts geared towards addressing racially biased policing. I also engaged in ethnographic observations at block parties, protests, vigils, and other community gatherings. These data permitted the analysis of the broad trends of strategies employed and field-level analysis. These data also provided important information about organizational priorities vis-à-vis racial justice and policing, explanations of decision-making processes, and the choices to use particular strategies. The data also offered the opportunity to explore racial ideology and cultural frameworks (qua national repertoires pertaining to rights, justice, and other social values).

Case studies of eight organizations complemented the field-level analysis. The case study

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\(^{15}\) In one case, I sent a respondent interview questions and he replied in written form via email because we were unable to find a time to schedule an interview and the respondent preferred to communicate via email.
organizations represented different positions in the organizational field. In-depth analysis—spanning additional interviews, ethnographic observations, and the collection of archival, textual, and digital materials—allowed for an examination of the processes and mechanisms driving organizational strategy.

Site Selection

Research took place in the San Francisco Bay Area and the greater Paris region, or Île-de-France. These metropolitan sites were chosen on the basis of both practical and theoretical considerations. Theoretical factors in the choice of research sites include the fact that both metropolitan areas represent important centers of progressive political attitudes and social action in both countries. A site where we are likely to find increased social activism is key. For example, Berkeley, Oakland, and San Francisco each made the top-ten list for most liberal cities—ranking third, fifth, and ninth, respectively—according to voting trends (Bay Area Center for Voting Research 2005). The Bay Area also has a long history of anti-racist activism particularly around issues of policing; it is the home to the Black Panther Party, for example, as well as the activists who launched Black Lives Matter. Similarly, Paris is widely considered the most left-leaning metropolitan area in France. In addition to its history of class activism dating back at least to the mid-nineteenth century (see for example Gould 1993), Paris has been the site for activism to fight anti-Semitism, racism, and xenophobia.

The two metropolitan areas also share a geographic and demographic feature that is uncommon in many American cities, namely that the most disadvantaged neighborhoods do not lie within the city limits of San Francisco. Much like Paris, where the most disadvantaged neighborhoods are concentrated in the city’s banlieues, or outskirts of the city, some of the Bay Area’s centers of concentrated poverty are located in neighborhoods and cities surrounding San
Francisco such as Oakland and Richmond, California.

In terms of practical concerns, I speak both English and French fluently, and have knowledge of both countries’ political, legal, and cultural contexts. These skills and familiarity contributed to my ability to successfully complete ethnographic observations, interviewing, and content analysis in both contexts and in both languages. Additionally, my wide network of contacts in the legal field and nonprofit world in the San Francisco Bay Area provided important stepping-stones for entrée into the field.

**Sampling Strategy**

For the field-level analysis, I included large, national organizations; small, locally based organizations; organizations that fell somewhere in the middle; as well as grassroots or social movement organizations.\(^{16}\) In France, I also included international NGOs because of their important role in addressing racially biased policing. I aimed to capture the range of nonprofit forms (qua size and structure), occupying a variety of field positions, and also the variation in activities and mobilization strategies employed by these organizations. Organizations were selected based on their stated goals of combatting racial profiling (as evidenced in mission statements, issue areas or agendas) or on their actual involvement in activities aimed at reducing racially biased policing. Only those organizations which engaged in work on this issue were included in the study. Such activity did have not to be the sole or primary focus of the organization for an organization to be included in the sample. In fact, an important line of variation between (1) organizations that devoted all or a majority of their time and resources to fighting racially biased policing and (2) multi-issue, multi-strategy organizations for which this was just one of many issue areas they were addressing.

\(^{16}\) See Appendix B for a list of organizations.
I constructed organizational fields in the two contexts along two dimensions: (1) organizational status and legitimacy and (2) organizational resources relative to other organizations in each context. Status and legitimacy are operationalized as a composite of (1) the level of organizational institutionalization, and (2) legitimacy in the eyes of, and connections state actors and institutions, the mainstream media, elites, and the public. Organizational resources are operationalized as a composite of (1) organizational scope: international, national, state, or local, (2) organizational size: number of employees, volunteers, and members, and (3) funding and budget.

Table 1. French Organizational Field Position.

<table>
<thead>
<tr>
<th></th>
<th>High Status</th>
<th>Low Resources</th>
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<tbody>
<tr>
<td><strong>High Status</strong></td>
<td>International NGOs (N=4)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*Large/National Nonprofits (N=6)</td>
<td></td>
</tr>
<tr>
<td><strong>Low Status</strong></td>
<td>Small/Local Nonprofits (N=7)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Alternative Organizational Forms (N=4)</td>
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</tbody>
</table>

*Primary Funding Source is the French Government

Table 2. American Organizational Field Position.

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<th></th>
<th>High Status</th>
<th>Low Resources</th>
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</thead>
<tbody>
<tr>
<td><strong>High Status</strong></td>
<td>National Nonprofits (N=3)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Affiliates (N=6)</td>
<td></td>
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<tr>
<td><strong>Low Status</strong></td>
<td>Alternative Organizational Forms (N=11)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Nonprofits (N=11)</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>Low Resources</th>
<th>High Resources</th>
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</table>
To obtain the sample of advocacy organizations, I employed purposive snowball sampling in both countries. This sampling strategy allowed me to be sure to include the most influential or key nonprofit advocacy organizations working on the issue of racially biased policing, which might have been missed using a random stratified sample. It also ensured that I reached different types of organizations through the networks of the initial list of organizations; this list comprises nonprofit organizations across a range of sizes (in terms of staff, funding, and programming), prestige, institutionalization, and the range advocacy issues they address. I identified initial organizations through the following means: (1) the extant literature; (2) conversations with scholars and activists who are knowledgeable of the field of anti-racist nonprofits; and (3) online searches, databases, and lists of social justice nonprofit organizations. During interviews, particularly those early on with the first round of contacts, I asked respondents to refer me to other organizations (or individuals at these organizations) with whom they had collaborated or who were active in engaging in the struggle against racially biased policing.

Case Selections

To complement field-level analysis, I conducted more in-depth case studies of eight advocacy organizations across the two countries in order to unpack the processes by which organizations implement different strategies of action to tackle racially biased policing. Ragin (1992) provides a broad working definition of the use of cases in social scientific research. He defines cases as “objects of investigation [which] are similar enough and separate enough to permit treating them as comparable instances of the same general phenomenon” (1). The case study approach allows for the analysis of average, extreme, or Weberian ideal-typical examples of the object of investigation. The case studies permit deeper descriptive and explanatory
analysis of the strategies, tactics, and other organizational processes unearthed in data from the larger sample (Yin 1981).

Table 3. Organizational Field Position of French Case Study Organizations.

<table>
<thead>
<tr>
<th>High Status</th>
<th>Low Status</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Stop le Contrôle au Faciès</td>
</tr>
<tr>
<td></td>
<td>• Open Society Justice Initiative</td>
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<tr>
<td></td>
<td>• SOS Racisme</td>
</tr>
<tr>
<td></td>
<td>• Ligue des droits de l’homme (LDH)</td>
</tr>
<tr>
<td>Low Status</td>
<td>High Resources</td>
</tr>
<tr>
<td>Low Resources</td>
<td>Maison pour un développement solidaire (MDS)</td>
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Table 4. Organizational Field Position of American Case Study Organizations.

<table>
<thead>
<tr>
<th>High Status</th>
<th>Low Status</th>
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<tbody>
<tr>
<td></td>
<td>• Black Lives Matter (BLM)</td>
</tr>
<tr>
<td></td>
<td>• (ACLU National)</td>
</tr>
<tr>
<td></td>
<td>• ACLU Northern California (ACLU-NC)</td>
</tr>
<tr>
<td>Low Status</td>
<td>High Resources</td>
</tr>
<tr>
<td>Low Resources</td>
<td>Ella Baker Center for Human Rights (EBC)</td>
</tr>
</tbody>
</table>

I selected organizations as cases studies primarily for theoretical reasons. The organizations chosen for the case studies were selected to address the variation in the organizational fields. Unlike Small’s (2008) explanation of case logic, in which new cases are selected using literal or theoretical repetition until saturation is achieved, this study relied upon a
variable logic for selecting the advocacy nonprofit organizations for deeper analysis. I selected organizations that were seen as leaders in the field, and organizations that were particularly active in addressing the work of racially biased policing. I chose organizations that interacted with the institutions I hypothesized would be significant in stymying or encouraging different forms of organizational action around racially biased policing. Because of the great variation that exists among advocacy not-for-profit organizations engaged in anti-racist work, I selected organizations that sat in various positions in the organizational field. Specifically, on one end of the spectrum I chose large (in terms of staff, membership, and budget), old, well-established, institutionalized organizations that are national in reach and with relatively weak ties to the communities affected by racially biased policing. On the other end, I chose to study organizations that were relatively new, small (in terms of staff, membership, and budget), locally based with strong ties in their neighborhood or community. I also observed the activities of organizations that were considered grassroots, or social movement organizations and not registered, official nonprofits. I also took into consideration cross-national comparability for organizational case selections.

The institutions (or variables) I determined would be most significant in shaping the anti-racist strategies of organizations were political context, national cultural repertoires concerning race, the state—in particular law enforcement agencies and legal institutions—and the structure of the nonprofit sector. As such, it was important that the large case study organizations have departments issue areas that focus on racism and policing, and have a legal department (and in the case of France have standing as a civil party to participate in legal proceedings when they were not the plaintiff or defendant). Because of the primacy of impact litigation and legal strategies for social change in the US, it was important to find a French organization that also
engaged in these types of activities. For smaller organizations, it was important that they be (1) actively engaged in endeavors targeting racially biased policing, and also (2) that though they were small and connected to local communities, they not be entirely isolated but connected to other organizations or resources.

In each country, I began by focusing on a large, national organization, and a smaller, local- or community-based nonprofit organization. In the United States, the larger, national nonprofit studied was the American Civil Liberties Union of Northern California (ACLU-NC), based in San Francisco. While my focus was on the ACLU-NC, this case led to a deeper analysis of the National ACLU office, because the two organizations often strategized together on national matters. The comparable large, national organization studied in France was the *Ligue des Droits de l’Homme*\(^\text{17}\) (LDH), The smaller, local organizations studied were the Ella Baker Center for Human Rights (EBC), based in Oakland, CA and *Maison pour un Dévelopement Solidaire*\(^\text{18}\) (MDS), based in the 11\(^\text{th}\) arrondissement in Paris.

To capture the most significant organizations engaged in anti-racist work around policing and to reflect the burgeoning social movement in the United States, I also included organizations that were not traditional, registered nonprofits. In France I centered my study on the coalition and organization *Stop le Contrôle au Faciès*,\(^\text{19}\) and in the United States I examined the Bay Area chapter of the Black Lives Matter Movement. These organizations serve as counter-examples of organizational action, which contribute to the understanding of which constraints and opportunities for action are uniquely faced by nonprofit organizations.

Lastly, in France I examined the work of *SOS Racisme* and the Open Society Justice

\(^{17}\) Human Rights League  
\(^{18}\) House for Solidarity Development  
\(^{19}\) Stop Racial Profiling
Iniative (OSJI). These two organizations did not have clear counterparts in the US. I chose these organizations for deeper analysis in order to examine the full variation of organizational activity. Though it is an official, national nonprofit, SOS Racisme is widely viewed as being closely aligned with the Socialist Party in France; this in turn poses unique constraints on their political activity and targeting of the French state given the fact that Socialists were in power at the time of data collection. No anti-racist advocacy organizations held a similar relationship to a political party in the US. OSJI, an international NGO, was instrumental in developing a legal strategy and funding other organizations’ work on the issue. In comparison, no international organization served a prominent role in the development, funding, or strategizing against racially biased policing in the American context. Contrary to SOS Racisme, OSJI enjoyed considerable freedom from the constraints of the French state as compared to other nonprofits and advocacy organizations in France.

The institutions (or variables) I determined would be most significant in shaping the anti-racist strategies of organizations are political context, national cultural repertoires especially concerning race and racism, the state—in particular law enforcement agencies and legal institutions—and the structure of the nonprofit sector. As such, it was important that the large organizations have departments issue areas that focus on racism and policing, and have a legal department (and in the case of France have standing as a civil party to participate in legal proceedings when they were not the plaintiff or defendant). Because of the primacy of impact litigation and legal strategies for social change in the US, it was important to find a French organization that also engaged in these types of activities. For smaller organizations, it was important that they be actively engaged in endeavors targeting racially biased policing, and also that though they were small and connected to local communities, that they not be entirely
isolated but connected to other organizations or resources.

DATA COLLECTION

Interviews

I administered a total of 72 in-depth, semi-structured interviews with 76 individuals. Of these interviewees, 70 were directors, employees, volunteers, or other key decision-makers representing a total of 52 different organizations across the two countries, including those selected for case studies. Additionally I interviewed six informants—policy and legal experts, and activists who had worked closely on the issue of racially biased policing. All of the informants had also collaborated with organizations included in the study. Interviews ranged from approximately just more than 30 minutes to nearly four hours. In addition to the formal interviews, I conducted 10 informal interviews and meetings with experts, activists, and organizational actors. In one instance, when an interview was not possible, I sent written questions to a respondent, and he provided responses to all questions via email correspondence.

A semi-structured interview guide was chosen in order to pursue important themes that emerged organically in the course of conducting research. Particularly in early interviews, the guide was adapted to probe newly discovered important questions (Weiss 1994:52). The interview guide contained questions about the nature of the organization’s involvement in the different types of strategies aimed at combatting racially biased policing. Interviews also included questions about day-to-day activities, involvement in organizational projects, perceptions and opinions of the organizations’ strategies, and perceptions and explanations of organizational successes and failures. Other areas of inquiry included the organization’s official stance on questions of race and racism, opinions about and thoughts on public opinion and public

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20 See Appendix A for interview guide.
discourse on race and racism (see Appendix A). While some of the questions were framed quite generally, I probed for specificity about specific events, activities, campaigns, court cases, and more (Weiss 1994).

I audio-recorded and transcribed all interviews except for six due to technical difficulties and in one instance, when a respondent preferred not to be audio-recorded. Each audio-recorded interview was transcribed for subsequent analysis. In the cases where interviews were not recorded, I took detailed notes by hand or typed during the interview. Afterwards I typed up more detailed notes about the interview.

While respondents were offered the opportunity to remain anonymous, no respondents requested that their identity be kept confidential. Because the interviews centered on organization structure, history, culture, practices, and strategies, little personal information was collected about interviewees. In addition, the anti-racist advocacy work of these organizations is generally public information in the sense that organizations are actively engaged in promoting their causes (through their websites, the news media, and social media), raising awareness, and engaging with public and state institutions. The identities of organizational leaders and employees are generally easy to discover upon simple Internet searches about the organizations. As such, I did not pursue strategies to hide the identities of the study respondents.

Textual and Archival Data

To complement and contextualize my interview data for the larger sample of organizations, I also performed content analysis of textual and archival materials. For each organization in which I interviewed a key decision maker, I also analyzed the organization’s mission statement or stated goals. When other textual materials, such as websites or flyers describing the programs and activities aimed at racially biased policing were available, I
examined their contents alongside the mission statements. These data were important for capturing organizational activities and strategies potentially missed in interviews. They also allowed me to compare the official language of the organization, as presented in their own documents, to the ways in which interviewees described organizational values and practices. Attention to printed and Internet materials articulating the organizations’ expressed missions, values, goals, and achievements allowed for triangulation to ensure I captured the full range of strategies and actions employed.

For the organizations comprising the case studies (see below), additional printed materials were analyzed including: training guides and manuals; meeting minutes; internal organization agendas, memos, and other documents; published materials, including press releases, newsletters, curricula, strategic plans, and annual reports; educational and informational pamphlets; billboards; and posters. In some cases, I also reviewed organizations’ media and social media presence, including Facebook pages, Twitter feeds, televised news clips, newspaper articles, and news coverage or radio interviews.

*In-Depth Case Studies and Ethnographic Observations*

To supplement the “quantitative” data (relative to the subsample of case studies) collected through interviews and texts in order to construct the field of advocacy organizations, I also examined a subsample of eight organizations in greater depth. For these deeper case studies, I engaged in ethnographic observations, conducted additional interviews, and collected a wider array of textual materials (as noted above). During the spring of 2014, I volunteered weekly at LDH. I met regularly with former and current staff of MDS, OSJI, *Stop le Contrôle au Faciès*, and *SOS Racisme* in France, and EBC and the ACLU in the U.S. I attended and observed member meetings of LDH and EBC. In addition, I attended special events such as protests,
trainings, workshops, and community meetings of these organizations and of the Black Lives Matter Movement. I recorded field notes during and after my observations. I ensured my full attention, participation, and observations by recording more detailed notes after having left the field (see Emerson, Fretz and Shaw 1995).

The large, national organizations analyzed—the ACLU of Northern California and LDH in France—both do work in the general areas of racism, discrimination, and policing; both were also engaged in work on specific issues of racial profiling and racially biased policing prior to and during data collection. Both organizations have engaged in a range of tactics and strategies aimed at racially biased policing. This ACLU chapter is the largest of the organization’s 53 affiliates, and spearheaded the national Driving While Black and Brown (DWB) campaign in the late 1990s and early 2000s. It continues to do important work—particularly in the realms of state policy and impact litigation—on racially biased policing. I interviewed a total of 10 individuals who currently or formerly worked at the ACLU of Northern California dating back to the 1980s. In addition, I interviewed three individuals who were involved as legal experts and plaintiffs in the DWB campaign. I reviewed archival materials for the DWB campaign and more current textual data for contemporary efforts aimed at reducing racially biased policing; these data included internal documents used in the development of the campaign, as well as press releases, old news clips, press releases, newsletters, billboards, flyers, reports, and manuals.

In France I selected the LDH as the case study of a large national organization. The LDH has a long history of advocating for the rights of minority residents in France. The LDH was the sole organization that was a member of the two important coalitions, Stop le Contrôle au Faciès and the Platform, working on the issue of racial profiling. I volunteered my time with the LDH, working in the communications department of their national office located in Paris on a weekly
basis. My role was to update their roster of organizational contacts across the country. In my role as a participant observer, I studied day-to-day activities at LDH. I also attended and observed in two of their Paris chapters’ monthly member meetings, in the 14th and 18th arrondissements. I worked closely with the officers of the 18th arrondissement chapter to develop a questionnaire about community-police relations. On occasion, I performed translation work for the organization’s national office. I also collected textual data including position pieces, press releases, and internal documents related to the organization’s work on racial profiling, racism, and policing.

The two smaller nonprofit advocacy organizations—the Ella Baker Center for Human Rights in Oakland and Maison pour un Dévelopement Solidaire in Paris—focus some of their mobilization efforts on racial profiling and racially biased policing, but also address other issues facing their neighborhoods and communities as well. Though relatively small in staff (paid or volunteer), both organizations have managed to build relationships with other resourced organizations and/or power brokers. The Ella Baker Center for Human Rights is a nonprofit that initially started as an organization that monitored police interactions with civilians in the 1990s. It later grew to encompass a greater scope of activities in its endeavors to reduce racially biased policing and the reliance upon the criminal justice system more broadly. I interviewed the organization’s founder, Van Jones, as well as four current employees. I became a member of the organization and attended and observed member meetings. I also served as a pro bono research consultant for the development EBC’s “Truth and Reinvestment” project, and participated in early meetings for the organization’s new (in 2016) “Justice Teams,” developed to respond to community issues with a focus on policing. I also attended and observed public events organized by EBC.
In France, MDS is a small organization based in the 11th arrondissement whose mission is to provide community members with the outlet and resources to implement programming of their choice. Out of conversations with MDS’s program participants, it became evident that racial profiling and police harassment were a significant issues faced by many members of the neighborhood. As such, the organization turned toward programming and advocacy that sought to address these very issues. I met regularly with the two coordinators and key staff-members of the small organization. I also reviewed textual data, and helped them to develop a program description. Because they had lost their space and were not actively running programming at the time of data collection, I was unable to observe organizational activities. However, I did attend several meetings with organizational partners focusing on programmatic issues, and planning related to legal strategies for addressing racially biased policing.

I also examined the work of nontraditional, grassroots and social movement organizations. In the US, I focused on the work of the Black Lives Matter Movement. In addition to interviews, I studied their online and social media presence—an essential component of the organization’s grassroots mobilization. I also attended and observed several large protests that their members were actively engaged in organizing, promoting, and leading. In France, I examined the work of Stop le Contrôle au Faciès. While Stop le CAF had branded itself a coalition of community-based organizations, nontraditional organizations and large, established nonprofits, it was also an organization in its own right, with clear goals, an organizational structure, and individuals holding officer positions. Like with BLM, I closely examined their online, media presence—also an important tool of their mobilizing strategy. In addition, I attended and observed public events they organized—including protests, a town hall meeting, and a block party—sat in on and observed trainings they held, and interviewed both of Stop le
CAF’s founders and lead organizers.

In France, I also worked closely with SOS Racisme and the Open Society Justice Initiative. At SOS Racisme, I volunteered my time to help them to organize a large protest against racism. I observed organizational meetings. I also sifted through and compiled archives related to racially biased policing that the organization maintained on file at the Parisian headquarters. For the Open Society Justice Initiative, I interviewed their key point person in France on several occasions, sat in on strategizing meetings with other organizational partners, and reviewed and commented on new studies they had commissioned before they were released to the public. I also interviewed several of their key organizational partners and one legal expert with whom they collaborated.

Taken together, these data allowed for the tabulation of strategies employed at a range of French and American advocacy organizations. These data also permitted me to examine the processes of strategy development, framing, and execution, as well as how these organizations interacted with national and local institutions and other organizations in their field. Broadly stated, through this research design I unpacked which organizations employed which types of strategies; how national context shaped the distribution of strategies across the field; and how and why similar strategies are executed differently according to institutional constraints in the two contexts.

DATA ANALYSIS

Analytic Strategy

All field notes and interview transcripts were analyzed with the use of Atlas.ti and NVivo. Early rounds of data analysis included the practice of memoing in order to develop both descriptive and analytic codes (Miles and Huberman 1994). While choices for ethnographic
observations and interview guides as well as the categories of analysis were theory driven (Wilson and Chaddha 2009), I also approached analysis inductively (see Charmaz 2006) to uncover important patterns and themes that emerge from the data. I chose to use Atlas.ti for coding interview data because of the network style analysis that is possible in the program.

Mission statements and other printed materials were coded using NVivo in order to provide the tallying of use of words and other technical capabilities not possible in Atlas.ti. Coding followed the same procedure as was used for interviews and fieldnotes.

Reliability, Validity, and Researcher Effects

Several strategies were pursued to ensure the validity of the data. I follow Maxwell’s (2013) broad definition of validity, “the correctness or credibility of a description, conclusion, explanation, interpretation, or other sort of account” (198). Or, in Miles and Huberman’s (1994) terms, “the meanings emerging from the data have to be tested for their plausibility, their sturdiness, their ‘confirmability’—that is, their validity” (11). In order to ensure the validity of the data collected I employed methods of triangulation through the collection and analysis of multiple sources of data for each organization included in the sample.

With regards to the internal validity of the claims made and conclusions drawn—or as Miles and Huberman ask, “Do the findings of the study make sense?” (1994:278)—I employed two strategies to confirm the validity of my analysis and interpretations. First, I discussed my hunches, findings, and conclusions with several respondents in the study to confirm whether or not my analysis resonates with their own experiences and observations. Second, in one case, I shared some of my writings with a respondent for feedback about my analysis.

To ensure data collected were reliable I followed a several routine procedures. First, I followed the data collection strategy outlined above, to ensure that data collection was
systematic. For organizations in which I engaged in ethnographic observations, I observed multiple events, meetings, and other organizational interactions to ensure that my observations were not outliers or uncharacteristic of organizational practices. In addition to these checks on data collected through participant and direct observation, I also performed checks on interview data. The reliability of information gleaned through interviews can be problematic, especially when individuals are asked to recall events or decision-making processes from the past. I aimed to remedy this limitation by triangulating with textual materials or my own observations to corroborate statements made in interviews, and at times, by interviewing multiple individuals from one advocacy organization and asking about the same events or processes.

As a researcher, I was generally perceived as an outsider in France and both an insider and outsider in the United States. I consciously chose to study the French context first, so as to sensitize myself to some of the processes, customs, narratives, or other elements that I might take for granted in the U.S. context. In addition, I was able to ask seemingly simple or evident questions more freely. For example, as an American studying questions of race in France I learned quickly that my use of racialized language led to lengthy analyses by respondents of the ways in which the French view race. In the US, on the other hand, I was seen as a local and political ally or insider. While this allowed me to gain rapport somewhat easily with respondents, it also meant that they were at times less inclined to give as much detail because I was assumed to understand their politics, concerns, worldview, or position.

In addition, my positionality as a light-skinned black woman with an ambiguously ethnic appearance offered both potential advantages and disadvantages. In France, I was certainly considered an outsider because of my status as an American, but also, at times, because I was a small, fair-skinned woman working on issues of racism. On at least two occasions, I was asked
how a “woman like myself” became interested in questions of racism. I suspect that my outsider status allowed me to ask questions that may have come across as naïve. In the United States, particularly with the more radical organizations that situated their work in the lineage and praxis of black liberation, my political commitments were sometimes questioned. My Jewish last name and affiliation with an elite institution, moreover, did not give me street credibility. In several instances, I explicitly asserted my racial identity and my status as a native of the Bay Area early on in the interview to establish rapport. Other methods of building rapport were more subtle; at times I deployed my familiarity and comfort using local slang, or discussed my relationships with important local black leaders.
Chapter Three: Strategic and Tactical Action Distribution: An Organizational Field Approach to Anti-Racist Activity

An advocacy organization’s position in the organizational field helps explain the likelihood of pursuing particular strategies and tactics in the fight against racially biased policing. Organizational actors certainly weigh their possibilities, taking into account considerations such as chances for success, resources required, time needed, or necessary manpower, for example. That is to say, organizational actors have agency. However, depending on an organization’s field position, social actors will confront different constraints or opportunities to pursue different strategies and tactics. This chapter examines the role of the field of civil society institutions, and explains how an organization’s position in the organizational field shapes the strategies and tactics it employs.

THEORETICAL FRAMING

This chapter utilizes concepts from three dominant approaches to the study of fields in order to examine how the organizational fields in France and the United States shape the distribution of strategic and tactical action across anti-racist organizations. From the Bourdieusian approach, this analysis pays particular attention to the power relationships between organizations and their possession of distinctive forms of capital (Bourdieu 1984, 1993; Bourdieu and Wacqant 1992). Drawing on the new institutional perspective of organizational fields, this study centers as its unit of analysis on the organization (see DiMaggio and Powell 1991; and Scott 1992), and considers fields comprised of various types of organizational structures with similar goals, namely combatting racially biased policing. From Fligstein and McAdam’s (2011, 2012) approach which centers on strategic action fields, I emphasize organizational efforts aimed at social change—as opposed to a Bourdieusian perspective which largely focuses on the reproduction of hierarchical field positions. This is not to say that the
organizations successfully reconfigure power relationships within the field—in this sense Bourdieu’s theory of status reproduction holds—but that the organizations are oriented toward changing relationships of power beyond their own field. In addition, this chapter benefits from and applies Fligstein and McAdam’s theory of inter-field relations.

This chapter offers two main contributions to the study of organizational fields. First and most significantly, this chapter examines fields of similar types of organizations, but fields which are embedded in broader fields quite dissimilarly, and are positioned differently vis-à-vis other institutional fields in the two contexts. As a result, tactics and strategies are distributed differently across the two fields of advocacy organizations. Otherwise stated, organizations which fall into similarly positioned clusters in France and the United States face different constraints and opportunities. I argue that these variations result from the interaction between organizational field and other institutions and institutional fields.

Second, this chapter argues that organizational fields of advocacy organizations working on very similar issues need be framed not solely according to a logic of competition but also according to a logic of cooperation. While the organizations included in the sample do indeed demonstrate varied access to social and economic capital, and compete to assert their vision and strategy for social change, they are also required to collaborate with one another to achieve their ends. These not-for-profit organizations are not (solely) driven by competitive edge, or market-based goals. As such, logics of collaboration, support, and exchange of resources are important criteria for evaluating non-market-based organizational fields—such as the field of anti-racist advocacy organizations in this study—and the relationships between organizations within these fields.

CONSTRUCTING ORGANIZATIONAL FIELDS
Following Bourdieu’s approach to the study of organizational fields, these fields are constructed using a relational approach. While some might argue that the sample of anti-racist advocacy organizations evaluated in this study in fact constitute a population of organizations rather than a field, I find the term field to be more appropriate given that the organizations are quite diverse. Some are large international nonprofit organizations with multi-million dollar budgets, while others are small, grassroots, community based organizations with slim funding or no funding at all. I draw on two main axes of criteria to categorize these organizations: degree of power and degree of legitimacy. Additionally, because I aim for a relational approach, the criteria differ slightly between France and the United States. In France the criteria are (1) organizational scope: international, national, or local; (2) size of organization: number of employees, volunteers, and members; (3) funding and budget; (4) institutionalization of the organization both in terms of internal organizational structure (formal roles, rules and systems) and external environment; and (5) legitimacy in the eyes of the state, the mainstream media, and the public. In the United States, the criteria are: (1) organizational scope: national, state-level, and local; (2) size of organization: number of employees, volunteers, and members; (3) funding and budget; (4) institutionalization of the organization both in terms of internal organizational structure (formal roles, rules and systems) and external environment; and (5) legitimacy in the eyes of and connections (relationships) to the state, the mainstream media, elites, and the public. Criteria 1, 2, and 3 are operationalized as resources, and criteria 4 and 5 are conceived to be measures of status and legitimacy.
As shown in Tables 1 and 2, the French and American clusters of organizations do not fall neatly into the same positions as their loosely defined counterparts in the other country.

National nonprofits in the United States and international NGOs in France occupy similar positions in that they are well-resourced organizations, with robust non-state funding streams. These organizations both have access to those in positions of political power as well as to the elite and are widely viewed as legitimate institutions. Affiliates or chapters of national...
organizations in the US are more well-resourced than large or national nonprofits organizations in France. In addition, the American organizations in this field cluster may have state contracts, but do not depend on the state for their majority of their budget. Local nonprofits and community-based organizations in the United States have considerably more resources than their French counterparts which depend almost on entirely on the French government for financial support. In addition, the organizations in the US are more professionalized and institutionalized, and as a result, viewed as being more established and legitimate than the small, local French nonprofits. Lastly, in both the US and France are alternative organizational forms. In both countries these organizations are less well-resourced than the official nonprofits holding 501(c) tax status in the United States or registered as an association (French nonprofit) under the Law of 1901 in France. However, while American organizations do have access to considerably more economic resources than their French counterparts, both clusters of organizations have low status and are widely perceived as radical.

As I alluded to above, the differing positions of organizational clusters correspond to the different relationship between the field of advocacy organizations and other fields. The strength of a country’s social welfare state has important implications for the development of its civil society sector (Anheier and Salamon 2006; Esping-Andersen 1990; Schofer and Fourcade-Gournichas 2001). More specifically, the two have an inverse relationship: the stronger the social welfare state, the weaker we should expect the civil society sector to be. Because of France’s strong social welfare state and the country’s commitment to republican ideals, 21 a relatively

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21 Archambault, Gariazzo, Anheier and Salamon (1999) explain the republican stance on nonprofit organizations by noting that “for much of the period between the French Revolution and 1864, associations and other nonprofit organizations were illegal in France and were viewed as undemocratic institutions that splintered the ‘general will’ represented by the democratic state” (81).
small and weak not-for-profit sector has emerged. In addition, a weak philanthropic tradition in France results in the fact that nonprofits often derive the bulk of their funding from the French government, making them susceptible to shifts in political power. I argue that this particular arrangement as well as the relationships across the organizational field have positioned international organizations and small, nontraditional activist organizations into leadership positions in the fight against racially biased policing in France.

The large, institutionalized, and professionalized nonprofit sector in the United States has produced much more rigid boundaries between organizations occupying different field positions and in the kinds of work these clustered organizations perform. The distribution of organizational tactics is a bit more predictable, with large nonprofits engaging in impact litigation and strategies that have systemic changes as goals. Smaller nonprofits collaborate with the large nonprofits on strategies of systemic change, but focus their efforts on local policy work. Lastly, social movement organizations for the most part, are responsible for engaging in contentious politics, comprised of various tactics falling beyond the realm of mainstream politics.

STRATEGIES AND TACTICS IN COMPARISON

Surprisingly, though faced with strikingly dissimilar institutional landscapes, advocacy organizations in France and the United States drew from a nearly identical repertoire of strategies and tactics in their fight against racially biased policing. While the tactics and strategies are quite similar, they are not employed with the same frequency or by similarly positioned organizations in one context versus the other. The variation in the rates of employment underscores how strategies and tactics are shaped both by organizational field position and inter-field dynamics (Fligstein and McAdam 2011, 2012).
I employ the term tactics to refer to the specific and discrete actions executed by an organization towards their strategic goal. In the case of racially biased policing, I coded a total of 22 major tactics. These included: interpersonal outreach and community organizing; direct action; education, training, and workshops; family support; funding; government consulting; individual legal services and referrals; running a hotline, SMS number, or app for victims or observers of alleged abuse of power; impact litigation; political lobbying; police monitoring; the development and dissemination of educational and know-your-rights pamphlets, flyers, booklets, or business cards; the publication of informational materials including newsletters and curricula; the dissemination of information through mainstream news media especially the radio and newspapers; organizing or attendance (at the organizational level) of protests and marches; hosting public or community events; issuing research and reports; the use of social media; holding town hall meetings; organizing petitions; and putting out ads or billboards.

I use the term strategies to refer to a collection of tactics organized coherently towards a longer term goal. The major strategies I identified are as follow: funding; healing and support to victims and families; legal strategy—including both impact litigation and direct legal services; media strategy; contentious politics; mainstream politics and policy; research and data collection; awareness raising and capacity building; and police monitoring. These strategies are either a composite of the tactics listed above, or a single tactic when it amounts to a larger strategy. While some of the tactics could have been characterized as supporting multiple strategies, for the sake of analytic clarity (in terms of the scope and quantity of activity occurring in the organizational field) tactics were not counted twice. Similarly, tactics that did not clearly contribute to one of the composite strategies were left alone as a tactical strategy category.
In addition to the strategies above, an important strategy that was widely used both in the United States and in France was collaborative and coalition work. This strategy, however, was used to strengthen a variety of the above-listed strategies. Any of the strategies listed above could be executed by an individual organization or in coalition. As such, I add the additional strategy of coalition work, which should be understood as implemented in tandem with one of the other strategies.

![Figure 1. Strategies of All French and American Advocacy Organizations.](image)

In France, the most widely used tactic was leading training and workshops, with 61.9 percent of advocacy organizations reporting engaging in this tactic. The second most prevalent tactic was the use of press releases, with 57.1 percent of organizations using this tactic. Tied for third place at 38.1 percent of organizations were policy work and political lobbying. When it comes to top strategies in France (see Figure 1), organizations were most likely to engage in collaborative or coalition work; 85.7 percent of organizations reported engaging in collaborative work. This was closely followed by awareness raising and capacity building; 81 percent of
organization used this strategy. The third most frequently used strategy was a media strategy, with nearly half (48.4 percent) of organizations employing a media strategy. Fourth was a politics and policy strategy, with just over 45 percent of organizations implementing this strategy.

These trends are not especially surprising. Because of the relative weakness of the nonprofit sector in France and the very limited resources available to not-for-profit organizations, coalition work strengthens the power of the organizational actors. In addition, because the issue of racial profiling and police abuse was relatively new to public awareness, it is not surprising to find education, awareness raising, and capacity building as widely shared strategies across organizations. Because France has a political culture in which public denouncing of policies, laws, procedures, or practices is common, it is common to publicly share opinions; as such opinion editorials and press releases were common practice. Lastly, France’s civil law system precludes systematic changes to the law to occur through the courts. As such, a political strategy is far more effective at changing the law, procedure, and practices around racial bias in law enforcement.

The most frequently employed strategies and tactics by American organizations differ from their French counterparts. The tactics used by the largest percentage of American organizations are education, training, and workshops (80.6 percent of organizations), dissemination of information through press releases and the mainstream news media (51.6 percent of organizations), direct outreach and community organizing (48.4 percent of organizations), and with a tie at 41.9 percent are political lobbying and the dissemination of publications. These tactics are relatively similar to those employed in France. If we look to the overall strategy of American organizations, we observe some similarities and some differences
(see Figure 1). The most commonly employed strategy was awareness raising and capacity building, with nearly all organizations (93.5 percent) engaging in this strategy. This was distantly followed by a media strategy with 58.1 percent of organizations reporting this as an important strategy. The engagement of mainstream politics and a policy strategy was used by just over half (51.6 percent) of American organizations. The fourth most commonly utilized strategy was a legal strategy, with 48.4 percent of organizations pursuing this path.

Overall, American organizations are busier than their French counterparts with regards to the proportion of organizations engaged various strategies. A greater percentage of American organizations report engaging in each of the strategies, except for coalition work, which more French organizations pursue. We observe the greatest variation between French and American organizations in the rate of employing legal strategies, engaging in coalition work, and providing healing and support.

The variations in strategy signal important institutional differences between the two contexts. In particular, the popularity of engaging the law as a strategy to address racially biased policing in the US points to the importance of the American common law system for organizational actors and their use of the courts to change laws through jurisprudence. The widespread use of coalitions in France is a consequence of the weakness of civil society organizations as compared to their American counterparts who need not pool resources to accomplish comparable goals. The increased use of contentious politics as a strategy in the United States as compared to France signals the emerging social movement and use of direct action tactics by American grassroots and social movement organizations. The strategy of healing and support was used largely by American grassroots and activist organizations; this strategy was in part to provide support to families affected by police violence, as well as to
protestors and community members traumatized by the political environment and the over-
policing of their communities. Lastly, it should be noted that while no French organizations in
the sample engaged in police monitoring, there was at least one local organization, Copwatch
France, that engaged in this strategy.

Similarities in strategy do not necessarily signify similar political contexts or similar
organizational interactions with institutions, however. For example, the importance of the media
strategy in the United States is in part driven organizations’ widespread use of social media as an
organizing tool with the arrival of the Movement for Black Lives. In France, social media was
not as widely used. Instead, the media strategy was largely based in opinion editorials, press
releases, and news media coverage in important developments in organizational campaigns and
in the legal case. Similarly, the provision of funding had unique characteristics in the two
countries. In the United States, a country with an important tradition of philanthropy, foundations
supported specific projects related to goals of reducing racially biased policing. In France, the
sole philanthropy included in the study was OSJI, an American NGO. Not only did this
organization provide funding to at least four organizations included in the study (including a
large national organization, a small think tank, a community-based organization, and a grassroots
organization), they also imported their legal approach to fighting racial profiling.
International NGOs

The most commonly employed tactics and strategies of international NGOs in France parallel one another (see Figures 2 and 3). All international NGOs engage in political lobbying and disseminating information through the mainstream news media. Three quarters of these advocacy organizations engage in conducting research, collection of data, and releasing of reports. These tactics mirror the most commonly used strategies by this same group of
organizations. The three most commonly used strategies are a media strategy and political strategy—each of the four international NGOs use these strategies—following by a research strategy. Half of the advocacy organizations in this field position also participate in coalition work and engage in awareness raising and capacity building. None of these organizations engage in strategies of police monitoring, healing or non-legal support, or contentious politics.

![Figure 3. Most Commonly Used Tactics by International NGOs in France.](image)

**Large, National Nonprofit Organizations**

The large and established or national nonprofits in France are mostly likely to engage in the tactics of government consulting and dissemination of information through the news media (see Figure 4). Two thirds of these organizations also provide legal services or referrals, organize and engage in protests or marches, and lead trainings and educational workshops. As for the strategies of large (see Figure 2), established or national French nonprofit organizations, the most commonly utilized strategy is coalition work, with all of these organizations engaging in this strategy. Following this strategy, 83.3 percent of these organizations use a media strategy,
political strategy, and awareness raising and capacity building. Absent from their catalogue of strategies are police monitoring, funding other advocacy organizations’ initiatives aimed at reducing racially biased policing, and a strategy of providing healing or non-legal support.

Figure 4. Most Commonly Used Tactics by Large and/or National Nonprofits in France.

Small, Local Nonprofit Organizations

Nearly three quarters of small, local nonprofits in the greater Paris area use education, trainings, and workshops in advocacy work to address racially biased policing, with 71.4 percent of organizations in this field position engaging in this tactic (see Figure 5). Tied for second place, were the tactics of direct outreach and community organizing, hosting public events, and holding town hall meetings, with 42.9 percent of these advocacy organizations utilizing these tactics.

Small, local nonprofits engaged in all but two strategies (see Figure 2), a wider array of strategy than their more well-resourced counterparts: the large and/or national nonprofits. Every nonprofit reported engaging in awareness raising and capacity building; it was the most frequently used strategy among this group of advocacy organizations. Coalition work was the
second most popular strategy, with 85.7 percent of organizations engaging in such work. In third place was a political strategy, with 57.1 percent of the small, local nonprofits implementing this strategy in their fight against racially biased policing.

![Figure 5. Most Commonly Used Tactics by Small, Local Nonprofits in France.](image)

**Alternative, Grassroots, and Social Movement Organizations**

The last group of organizations are those which find themselves in the lowest status position of the organizations in France. This group is a mix of organizations, none of which hold official nonprofit status. These organizations include a social movement organization turn political party, a coalition grouping together other organizations but which has an organizational structure in its own right, and two grassroots organizations—one representing the interests of blacks in France with a focus on their experiences with discrimination, and the other focusing on the issues and victims of police brutality and killings.

For this group of low-status organizations, low-resourced organizations, four tactics tie for first place among these organizations (see Figure 6): trainings and workshops, publications...
The group of alternative organizations engaged in all but three forms of strategies (see Figure 2). One hundred percent of these organizations engaged in coalition work. Following this strategy, three quarters of these organizations used a media strategy, a contentious political strategy, and awareness raising and capacity building as a strategy. None of these organizations participated in funding, police monitoring, or research and data collection as meaningful strategies to effect change around racism and law enforcement.

Figure 6. Most Commonly Used Tactics by Alternative, Grassroots Organizations in France.

When the groups of organizations occupying different field positions are compared with one another, important distinctions are revealed. First, the organizations with the most resources, namely the international NGOs and large and/or national nonprofits are able to engage in tactics that require financial capital or paid expertise. For example, these two groups of organizations are more likely to engage in conducting research and publishing reports and are more likely to
provide direct legal services. These two tactics necessitate technical expertise and often require financial resources—to pay researchers, to pay for the publication and printing of studies, to pay for the time of experts or lawyers, for example.

Financial resources are not the sole factor driving differences in tactical and strategic endeavors across the field. For example, international NGOs and alternative organizations are more likely to engage in coalition work, than the large, national or small, local French nonprofits. All of the organizations in the study that do hold official nonprofit status under the French Law of 1901 participate in coalitions. On the contrary, only half of the large, national nonprofits engaged in this strategy. Meanwhile, 75 percent of international NGOs participated in coalition work. As will be developed below, I argue that international NGOs must engage in coalition work because of their limited social capital in France, while the alternative organizations engage in collaborative efforts to secure financial capital.

Significantly, because the nonprofit sector is not a highly institutionalized field, we observe overlap in the most frequently used strategies across field clusters. If we focus in particular on the top two strategies of each organizational cluster, it becomes evident that there are not rigid boundaries governing which types of organizations engage in which types of strategic action. Across the four groups of organizations, there are four top strategies. A media strategy—one that requires little economic capital—is a top strategy of international NGOs, national and large nonprofits, and of alternative organizations. A political strategy is employed by international NGOs, large and national nonprofits, and alternative organizations. Coalition work is central to the strategic actions of national and large nonprofits, as well as for small, local nonprofits. These latter two groups also engage in awareness raising and capacity building. As
will be developed below, stronger distinctions exist between the American organizational field clusters.

The Field of French Advocacy Organization: Resource Exchanges Across a Comparatively Weak Field

The French Nonprofit Sector: A Comparatively Weak Field. While the United States’ nonprofit sector can be defined as long-established, institutionalized, professionalized, and thus robust, the French field of nonprofit organizations is comparatively weak. While there are several long-standing nonprofit organizations engaged in advocacy work—those comprising the cluster of large and national nonprofits—many of the organizations included in this study have little to no funding, have few if any paid staff, and are relatively newly established. When we compare the large, national organizations it is evident that the French organizations have significantly fewer resources than many of the large, national American organizations; in some cases national French organizations are not as well-resourced as American local affiliate nonprofits and even some of the local nonprofits. In addition, French nonprofits do not have the same inter-field relationships as their American counterparts. For example, most of the organizations in the sample do not hold the legal status to serve as a civil party in court proceedings. As such, their ability to effect change through the courts is nonexistent. I argue that bother internal and inter-field dynamics produce a relatively weak field as compared to the U.S.

Lanno Hollo, the key person in France working for an American NGO, the Open Society Justice Initiative, also noted the weakness of the French field of nonprofits. She surmised that this weak field was an explicit doing of the French government. She observed a weakness in the civil society sector’s ability to achieve meaningful change due to extreme segmentation in the field. Hollo surmised:
We’re looking at multi-issue civil rights. In other countries, you have civil rights organizations that are multi-issue. And here, there’s a tendency where you have organizations and networks, but they’ll be thematic. You’ll have people that work on housing, and those people that work on housing don’t work on corruption. That’s another set of people. And then you have the people that work on discrimination. And they’re very separate networks. Even within those networks, there’s then a lot of divisions, subdivisions, and debates. I mean there’s a real difficulty creating bridges and links across.

And I mean some of it—I have no scientific proof for this—I have never studied them but it would be interesting. I think some of it has to do with the model of the French state and the way the whole history, I mean the associations, the law that they’re all based on, is in some sense a law that is actually about controlling associations, in the way it’s framed, and the the whole funding system, and the dependence on public funding. There’s a whole model where everything is in place to make sure that dissent and that contestation does not take place in a broad coherent way. That’s why looking in at civil rights is interesting. …

Interestingly, it’s been absorbed, internalized, and translated in the way associations function. So breaking out of that is not easy. It's about funding, it’s about divisions. It’s a very effective system of creating division. I mean every method you can imagine of social control is I think in place.²²

For Hollo, the weakness was the result of an intentional effort on the part of the French state to squash “dissent” and “contestation,” and therefore curb successful attempts at social change.

In this section, I argue that a weak field has produced a looser division of labor than is observed in the American context. We observe organizations occupying different field positions engaging in similar strategies and tactics. In addition, those organization that are least constrained by the French government are able to push the agenda for social change around racially biased policing.

Surprisingly, the organizations engaged in the greatest number of tactics aimed at addressing racially biased policing are those with the least status, and arguably fewest resources. On average, each alternative organization employs eight different tactics. They are closely followed by the large and national cluster of organizations, which employ an average of 7.5

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²² Interview with Lanna Hollo on April 8, 2014 in Paris, France.
tactics per organization. The large and national organizations also utilize the greatest number of strategies, averaging 5.2 strategies per organization. However, the international organizations have been instrumental in leading the fight against racially biased policing in France. Amnesty International, Human Rights Watch (HRW), and OSJI have led research efforts to expose racial profiling and abusive police practices. Significantly, OSJI is responsible for bringing the strategy of impact litigation around this issue to France by coordinating and funding the legal effort. I suggest that international organizations and alternative organizations are not limited by the types of government constraints described by Hollo. They are not subject to the concerns over funding or party alliances that come with support from the state.

Figure 7. Average Number of Strategies and Tactics by French Organizational Field Position.

*Advocating for the Community.* The alternative organizations have largely emerged or become involved around questions of racially biased policing because these are issues that
directly affect their communities. For example, Tara Dickman, a founder and lead organizer of the coalition organization, Stop le Contrôle au Faciès\(^\text{23}\) (Stop le CAF), explained:

So you know that my background is also growing up in the banlieue and also not necessarily understanding the political implications of anything that I saw growing up. But in 2005, things suddenly [started] making political sense or sort of getting an understanding that what was going on in my neighborhood was going on everywhere, in every neighborhood. And that actually there was something that needed to be done about that. And that clearly that there wasn’t any understanding at the media level or political level or the academic level in France.\(^\text{24}\)

Dickman explained her direct connection to the issue of racially biased policing. The 2005 riots allowed her to view the issue as systemic and occurring in cities across France. Because she grew up in the banlieue, she felt particularly compelled to get involved in the issue in order to advocate for her community. Elsa Ray, in her capacity as a member of a small, local nonprofit organization, Cité en Mouvement,\(^\text{25}\) described how this work was done. Ray explained:

We organized what we called ‘marauds.’ Marauds are when we go out into the streets and we go talk to folks, on the street, in markets, in different contexts with flyers, etcetera. We explain to them, ‘this is what it means to be racially profiled, this is what you can do to combat it.’ What we did was awareness raising.\(^\text{26}\)

Through community organizing, representatives of Stop le CAF and Cité en Mouvement engaged in awareness raising to alert members of their neighborhoods to the illegality of the police practices and to offer them specific ways they could seek recourse. These organizational actors describe advocating for communities that they themselves are a part of. As such, they bring an important form social capital to the table. The small, alternative, underfunded grassroots organizations have important ties to those who find themselves victims of racially biased policing.

\(^{23}\) Stop Racial Profiling  
\(^{24}\) Interview with Tara Dickman on May 9, 2014 in Paris, France.  
\(^{25}\) Housing Projects on the Move  
\(^{26}\) Interview with Elsa Ray on April 3, 2014 in Paris, France.
Exchanging Resources Across the Field. The international NGOs are disconnected from the communities they seek to serve. As such, they benefit from the social capital of the low status, poorly resourced alternative organizations. Several respondents discussed the importance of collaborating with local organizations. Judith Sunderland, a researcher with HRW, discussed how her organization came to focus on this issue in France. She explained:

The reason why we actually did this project was because it’s a massive problem in France. It’s a problem that is very deeply felt by minority communities in France. It’s fairly straightforward in terms of human rights abuse involving police, which is always more clear cut in terms of state actor having very clear obligations to respect human rights. It just seemed a good first entry project on the vast issues related to discrimination in France.

We are going to be doing more work on discrimination in France. This one [racial discrimination by law enforcement] seemed to be—again a major issue affecting a lot of people, scope of impact, which is another a factor we take into consideration. When we choose projects, sometimes we would come back knowing there’s a little chance of any impact whatsoever simply because the issue is just too important to ignore. But often, we do try to work on issues where we believe there is a real chance of change. So that we’re using all limited resources in the most intelligent way possible.

And we did and I think we correctly believed that on this issue, there was scope for change not least because there are so many fabulous, dedicated, innovative, creative French groups working on the issue. So a lot of possibilities for partnerships, for supporting local groups from our vantage point, and trying to get the issue, the push that a focus by a big international human rights organization can give.27

Sunderland clearly articulated the ability of her organization to apply international pressure on the issue, but also notes at the end of her reasoning for choosing to focus on this issue in France, the potential to collaborate with and support local organizations. Hollo of OSJI also described her organization’s role as offering support to smaller French organizations.

We tried to play a role of bringing approaches. We tried to play a bit of a bridge and mostly I think you can say bringing approach is bringing ideas, bringing resources, bringing technical skills. And then it’s local actors that then take, for instance, the legal case. There’s the lawyers, there’s the lawyer’s union, there’s other associations. In every

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27 Interview with Judith Sunderland on May 9, 2014 via video call.
aspect, we try to basically just play a supporting role.  

Respondents representing small, local, and grassroots organizations also discussed their partnerships with international NGOs. For example, Omer Mas Capitolin, the founder and director of Maison pour un Développement Solidaire (MDS), a small local nonprofit whose mission is to empower youth in its district and create unique participant led programming explained their relationship to OSJI in the creation of a new program designed to address racial profiling. Capitolin explained, “Our first task [for the Police Citizens Project] was to create a group of young people. That was our objective along with Open Society, to work on the question of the relationship between police and citizens, police and young people, racial profiling.”

MDS’s role was to find young people who had been affected by and wanted to address this issue. A potential goal of this group would be to bring new legal action against the French state. OSJI could not have cultivated such relationships with youth affected by these issues on their own. The social capital of MDS was greatly valuable to OSJI’s mission.

Similarly, Dickman also worked collaboratively with OSJI in the early days of putting together the legal strategy, which ultimately resulted in 15 plaintiffs filing cases jointly, which alleged racial profiling by French law enforcement agents. Dickman helped organize the SMS hotline in which individuals could send a text message if they felt they had been the victim of racial profiling. Within a short period, they would receive a response to learn more about the case and if appropriate receive information about possibilities for recourse. Several plaintiffs from the aforementioned legal case were identified through this SMS hotline. Dickman had a full-time job, but was putting in many hours for this project through her work at Stop le CAF.

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28 Interview with Lanna Hollo on April 8, 2014 in Paris, France.
29 House for Solidarity Development
30 Interview with Omer Capitolin on June 4, 2014 in Paris, France.
I had to say “Look, I have a job like either I consult with you and we can tell my job that and they can pay me less or I’m basically… that’s not fair to my office, and I need to be building something else.” So we set up a deal where I’m consulting with her [Lanna Hollo] to help them find plaintiffs for a case and so I started doing that. 

Dickman described the social capital she brought to the table to be able to negotiate a contract position with OSJI. Her connections were essential for OSJI to pursue their legal strategy. 

As this section has shown, economic and social capital are two central resources that organizations bring to the field. Because the nonprofit sector is constrained by its reliance on the French government for funding, and because of inter-field dynamics, the organizations best poised to lead the charge for change around police practices are those with the fewest ties to the French state. International NGOs and alternative organizations are leaders in the field of anti-racist activity. The central resources are social capital in the form of connections to vulnerable populations and economic capital to finance the strategic action. To mount a strong effort, organizations with different forms of capital exchange their resources across the field.

UNITED STATES

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31 Interview with Tara Dickman on May 9, 2014 in Paris, France.
National Nonprofits

National nonprofits in the United States engaged in a wide variety of tactics. The most important tactics they utilized were trainings and education and impact litigation (see Figure 9). All of the national organizations included in the sample engaged in these tactics. The second most popular set of tactics was a tie: two thirds of these organizations engaged in political lobbying, utilizing the news media, the release of publications (excluding opinion editorials, press releases, and data-driven reports), and the use of social media.
These organizations, however, focused their tactics into a limited set of strategies (see Figure 8). The most frequently used strategies were a legal strategy and awareness raising and capacity building, with 100 percent of the large, national nonprofits engaging in such endeavors. Two thirds of the organizations deployed the second most popular strategies: a political strategy and media strategy. Notably, none of these organizations reported engaging in contentious politics, coalition work, research and data collection, police monitoring, or community healing and support to address racially biased policing.

Figure 9. Most Commonly Used Tactics by Large, National Nonprofits in the United States.

Bay Area Affiliates of National Organizations

The Bay Area affiliates to national organizations were particularly busy (see Figure 10). Fully, 83.3 percent of these organizations participated in the tactics of coalition work, trainings and workshops, and utilizing the news media to spread their message. Additionally, two thirds of these organizations also engaged in direct outreach and community organizing, impact litigation,
the development and distribution of educational pamphlets and flyers, the release of publications (excluding news pieces and data-driven reports), and policy and legislative work.

These local affiliates engaged in a wider array of strategies than the national organizations (see Figure 8). They participated in all but two types of strategies; these advocacy organizations did not provide funding or engage in community healing and support as strategies to combat racism in law enforcement. The most frequently used strategies were a media strategy and awareness raising and capacity building, with 83.3 percent of organizations using these strategies. These two strategies were followed by coalition work, a legal strategy, and a political strategy, with 66.7 percent of organizations pursuing these approaches.

![Figure 10. Most Commonly Used Tactics by Local Bay Area Affiliates of National Nonprofits in the United States.](image)

*State, Local and Community-Based Nonprofits*

The state- and city-level nonprofits, including community-based organizations also engaged in a wide variety of tactics in pursuit of their anti-racist agendas (see Figure 11). Fully,
90.0 percent of these organizations led trainings, workshop and other types of educational or informational forums. Just under two thirds (63.6 percent) of these organizations participated in coalition work. A majority of these state and local organizations (54.5 percent) also engaged in policy and legislative work and in expressing their positions and promoting their cause through mainstream news outlets.

Organizations in this field position are engaged in the widest variety of strategies for combatting racially biased policing (see Figure 8). The only strategy not utilized by a single organization in this field is police monitoring. However, the Ella Baker Center—which no longer utilizes this strategy—was originally founded as a cop-watch organization. Awareness raising and capacity building is the most commonly used strategy with 90.9 percent of organizations engaging in this practice. Tied for second place with 63.6 percent of organizations utilizing these strategies are coalition work and a traditional political strategy. In fourth place with 54.5 percent of organizations pursuing this approach is a media strategy. One organization even participates in a contentious political strategy—which is not the case for national organizations or Bay Area affiliates in the sample.
Alternative Organizational Forms: Grassroots and Social Movement Organizations

The alternative organizational forms, namely grassroots and social movement organizations have a very different distribution of tactics and strategies than the official nonprofits in the three other categories (see Figures 8 and 12). With regards to tactics, their most frequently used tactic is mounting direct actions; nearly three quarters (72.7 percent) of these organizations deploy this tactic. This is followed by two tactics commonly used by the other types of advocacy organizations: trainings and workshops, and direct outreach and community organizing. As for strategies, these organizations are engaged in the widest range of strategies (tied with the state, local, and community-based organizations) as compared to organizations in the two strongest field positions. Grassroots and social movement organizations in the US participate in all strategies save funding. The most frequently used strategy is awareness raising and capacity building with 90.9 percent of organizations engaging in the approach. The second most frequently used strategy is contentious politics, which was quite unpopular among the other
groups of organizations. 81.8 percent of these organizations engage in contentious politics. A distant third place is occupied by a media strategy, with only 36.4 percent of organizations reporting this as an important strategy they pursue for taking on racial bias in law enforcement.

![Bar Chart](image)

**Figure 12. Most Commonly Used Tactics by Alternative, Grassroots, and/or Social Movement Organizations in the United States.**

What is striking about the American field of advocacy organizations is its clear division of labor. Unlike in France, American advocacy organizations’ strategic pursuits are more clearly divided. If we look to the top two strategies deployed by American advocacy organizations, on the one hand we see overlap across the board in the use of awareness raising and capacity building; this is a top strategy for each of the four field clusters. On the other hand, there is no overlap between clusters for their other top strategy. National nonprofits choose a legal strategy, national affiliates are most likely to pursue a media strategy, local nonprofits adopt a policy strategy, and alternative, grassroots organizations engage in contentious politics as their top strategy. Awareness raising and capacity building can come in many forms. While there is
indeed overlap in this strategy, it can be formatted to fit a particular organization’s goals and constituents. I argue that the differences are more significant. The variation in top strategies represent the boundaries between the kinds of work done by organizations occupying different field position. Because of the US’s robust, professionalized and institutionalized nonprofit sector, different organizations have settled into specific roles for strategic action aimed at social change.

Field of American Advocacy Organizations: Institutionalization and Boundaries. As was the case in France, organizations that benefit from the possession of economic capital and social capital vis-à-vis local constituents and political leaders engage in greatest variety of strategic and tactical actions. Unlike in France, however, access to these forms of capital is not cultivated as resource exchanges through coalition and collaborative work. Instead, what we observe in the United States is that the field of advocacy organizations, which is embedded in the nonprofit sector, is a highly professionalized and institutionalized field. As a result, there are stronger boundaries between the types of activities organizations from different field clusters perform.

Bay Area affiliates employ on average the greatest number of strategies and tactics aimed at racially biased policing. Each affiliate organization in the Bay Area employs, on average, 9.3 different tactics. These organizations use an average of 5.2 strategies. These organizations are uniquely positioned. In particular, they benefit from access to a national office’s resources, for example economic capital as well as social capital in the form of connections to individuals in positions of power. In addition, they are situated in cities, building ties with local constituents and local government. This places them in the unique position as compared to other organizational field clusters. Because of their access to economic capital as well as social capital at both the elite and community levels, these organizations, I argue, are best positioned to engaged in a wide variety of strategies and tactics.
**Strength and Institutionalization of the Nonprofit Sector.** As noted previously, the nonprofit sector in the United States is formalized, professionalized and institutionalized. The absence of a strong social safety net in the form of a social welfare state has resulted in nonprofits engaging in contract work with the state. I interviewed Mari Castaldi, who worked as a at the East Bay Community Legal Resources Center (EBCLC) but also volunteered with Critical Resistance (CR), a far more radical nonprofit (with 501(c)(3) status). She explained her decision to join CR,

> I’m a volunteer, like a member, of that group, and my decision to get involved with them came from of seeing the limitations on our (EBCLC’s) role in particular, because I have these people who were brutalized by cops and there’s no response from legal services at least in the Bay area.

I asked Castaldi why it was that EBCLC did not get involved with such cases. To answer this she detailed the complicated nature of receiving state funding.

> It’s a good question. I mean, I think in general some of the challenging part, like my interpretation would be some of the nonprofit industrial complex type of analysis, which has to say about organizations doesn’t get contracts from the probation department. We
get contracts from the cities. We get contracts from counties. And so when we start suing them, it is a problem for our funding. And so it is really a way that we’re limited in that we can’t participate in certain instances—not necessarily explicitly limited but we have to make judgment calls around what roles to take in those types of situations. It could be different from when you have to say it’s a Clean Slate practice is contracted with the probation department but clients separately has an issue with the sheriff department because their car got towed. When we sued the sheriff’s department it still impacts the way it affects the Clean Slate practice. So [we] just have to be really thoughtful about that and not sort of end different kind of conflicts that’s coming up as a part of that and I think that certainly is a way that nonprofit status can be limiting especially in the service provision area.  

Castaldi’s analysis points first and foremost to the fact that the nonprofit sector is viewed as a highly developed machine, likened to the military by borrowing the terminology from “military industrial complex.” Secondly, this sector’s professionalization and institutionalization (1) procures contracts with the state to serve functions the state is presumably unable or unwilling to perform, and (2) is limited by potential financial risks of challenging or targeting the state. The latter of these characteristics resembles the limitations faced by French nonprofits that receive state funding as well. The concerns around the ways in which funding constrains action is not limited to government funding; foundations impose limitations on the ways in which funding may be used and also solicit applications for goals of the foundation, which in turn can have the effect of steering nonprofits towards specific types of activities.

In addition, the American nonprofit sector’s institutionalization as outlined above, this sector’s institutionalization can be viewed in its rigid boundaries. On a warm fall day, I sat with Meredith Desautels on her front stoop in the Lower Haight neighborhood in San Francisco. She was on maternity leave from her position as a staff attorney at the Lawyers Committee for Civil Rights (LCCR). I asked her about how LCCR views the role of nonprofits in the fight against racially biased policing, and in social change work more generally. To this Desautels replied:

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32 Interview with Mari Castaldi on October 5, 2015 in Berkeley, CA.
Well, I could speak to legal nonprofits because I think I came up through law school where there have been a really developed kind of thinking around community lawyering and the concept that lawyers maybe in contrast to the past few decades are not to be like driving the social movements or leading them but supporting them and working hand in hand with organizers and other community groups. And so for my work, it’s been really important to partner with other groups probably one of our most kind of common and necessary partners which is grassroots organizations of formerly incarcerated people and allowing their voices to be front and center and allowing them to be agenda and then helping them bring the legal limbs to that work.33

For Desautels, there was such a clear division of labor within the highly institutionalized nonprofit sector that she only felt comfortable discussing what she saw as her organization’s position within a sub-field of legal nonprofits. Her comments underscore the boundaries between the kinds of work and strategies pursued by different types of organizations. Her distinctions were rooted in categorization by strategy. I argue, however, that a better articulation is to understand these organizations in terms of their field positions and access to different forms of capital.

In addition to conceiving organizations as having unique strategic roles, some organizational actors who were affiliated with alternative, grassroots organizations expressed that the choice in organizational form was deliberate. Organizations that fall into the cluster of alternative organizational forms explicitly make the choice not to be registered 501(c)(3) organizations. In interview with Liz Derias, a key decision maker with the Malcolm X Grassroots Movement’s Bay Area chapter, she initially chuckled when I asked of the organization was an official nonprofit with 501(c)(3) status. Derias explained that her organization’s radical mission of black self-determination would not be watered down by the constraints of being a nonprofit. She also expressed her organization’s extreme distrust of the American government, arguing that her organization does not even reveal its leadership, let alone

33 Interview with Meredith Desautels on October 7, 2015 in San Francisco, CA.
register with the state.\textsuperscript{34} Similarly, Cat Brooks, a co-founder of ONYX, a grassroots, Oakland-based organization, recounted the limitations of nonprofit involvement in seeking recourse and resolution after Oscar Grant’s murder. Brooks recalled:

ONYX was born out of struggle for justice for Oscar Grant and primarily because after the first coalition – the coalition against police executions was formed very quickly, it was made up primarily of people that were part of nonprofit industrial complex and that fell apart very quickly. And part of why it fell apart very quickly is because of the direct engagement that has happened between the people and police, right? And so EDs (executive directors) and folks who are attached to nonprofits, they were accountable to [unclear] and you can’t please the people when they’re at that level of anger and rage.\textsuperscript{35}

According to Brooks, organizational actors representing nonprofits are torn between their commitment to their communities and constituents and their obligations to funders. For these organizational actors, such a designation would compromise their radical agenda.

\textit{Collaborations Across the Field.} Despite the strong boundaries and rigid roles across the field, American advocacy organizations did indeed participate in collaborative work. In order to do so, however, they engaged in important work to manage the delicate relationships between organizations. Those who were key decision makers at the organizations that possessed significant resources and status noted how they managed the delicate relationship with lower status and less well-resourced organizations. For example, Rebecca Farmer, the communications director at the American Civil Liberties Union of Northern California (ACLU-NC) described the ways in which the ACLU-NC does its best to put forward the faces and ideas of lower status, less well-resourced organizations with whom they collaborate.

I think it’s a very complex relationship, which is not necessarily bad. So I’ve thought a lot about this over the last year. The ACLU has this funny role where we’re this well-established organization. I often joke that depending on who I’m talking to, I’m either the “crazy lefty” or “the man,” like depending on who’s in the room with you. Do you know what I mean, if you’re with like more radical groups I’m like “Oh my gosh, you guys, I

\textsuperscript{34} Interview with Liz Derias on January 22, 2015 in Oakland, CA.
\textsuperscript{35} Interview with Cat Brooks on August 26, 2015 in Oakland, CA.
didn’t know this but I’m the man.” But to other people of the ACLU it’s like the crazy like farthest fringe you can get, which is funny to be both of those things depending on the perspective on who you’re talking to. And both are kind of true. And what I mean by that is that we are this establishment organization, which we have this slower way of doing things. We are this responsive and nimble. And when we come in the room, we have this level of like gravitas. We can come in and file a lawsuit and people will all listen because it’s the ACLU. We can get the news coverage because it’s the ACLU.

We have this very tricky relationship with coalition partners though where one person on my team was like, “let’s be careful that we don’t do that ACLU bulldozer thing” with a particular coalition. You know, where we come in, and we’re like “We’re the ACLU! We have so much capacity! Do it our way!” And sometimes we don’t even intend to do it and it happens anyway. So sometimes when we’re working in coalition, people want the ACLU to pick up more pieces of the work because we’re larger and we have more capacity, other times they don’t because of that bulldozer effect. We take up all the air in the room sometimes, accidentally.36

Farmer frames the ACLU’s “bulldozer effect” as being unintentional, but also raises the issue as a problem that at times arises because of the organization’s high social and economic capital.

Michelle Alexander, the former director of the Racial Justice Project at the ACLU-NC, was more explicit in her analysis of the power relationships between the ACLU and its collaborators. She described a coalition launched by the ACLU-NC that included representatives from big organizations such as the National Association for the Advancement of Colored People (NAACP), the League of United Latin American Citizens (LULAC), LCCR, as well as grassroots activists. In addition, community members were invited to join the coalition as decision makers around the Driving While Black campaign (DWB). Alexander explained:

The ACLU brought all the money to the table. In theory, we were all equal around the table, but in reality, we were the ones funding and running the litigation. We were the ones that had two lobbyists in Sacramento who were in direct contact with the legislators running the data collection bill. We were the ones who had most of the expertise in terms of the issues. We were in the position to call press conferences, and we had the media list and all of that capacity. It gave us and gave me more power and influence than I ought to have had in that gathering. In some ways, it made it easy to make decisions, and to move quickly, and to respond things because I could just say, “Well, let me ask Dorothy. Will she give us the money for this? Will she give us the money for that?” But it also meant

36 Interview with Rebecca Farmer on October 22, 2015 in San Francisco, CA.
that either it wasn’t a coming together of equals or that organizations like the ACLU had outsized power and influence as compared to the other groups.

What we did though, which I felt good about it is that we often gave money to other organizations so that they could participate—even small little groups that didn’t even really have 501(c)(3) status. And they were like, “We’ll go out and flyer the neighborhood and knock on doors, but we don’t have money to make copies.” We were able to just hand out some resource assistance and support to enable other groups and participants. But I think it’s a real challenge to have nonprofit organizations like the ACLU that have so many more resources, and aren’t really part of the community. The [ACLU] membership wasn’t from those communities, but we had an outsized role and influence.37

Both Farmer and Alexander express a desire to maintain the collaborative relationships with organizations that have fewer resources and lower status. To accomplish this requires a delicate dance of not fully deploying the full range of resources and connections available to the ACLU-NC and allowing other organizations to be the face of a campaign, propose strategies or tactics, and feel as though the power dynamics are not entirely skewed.

CONCLUSION

This chapter outlines the major strategies and tactics used by advocacy organizations occupying different field positions in France and the United States. I describe four organizational field clusters in the two countries, which vary in terms of their legitimacy and status, and access to resources. In France, we observe looser boundaries between organizations in different field positions, whereas the institutionalized nonprofit sector in the US yield stronger boundaries, which define organizational activity. I suggest that social and economic capital are key ingredients for strategic action. In the US, where we find a robust nonprofit sector, these two forms of capital are often present in a single organization in the cluster of local affiliate organizations. In France, where a comparatively weak nonprofit sector exists, these two forms of capital are exchanged across the field of organizations.

37 Interview with Michelle Alexander on December 8, 2015 via video call.
This chapter examines how the political environment shapes and is shaped by the strategies of advocacy organizations (Meyer 2004). During the time of data collection, the political landscapes surrounding questions of racial bias in policing in France and the United States were especially distinct. I conducted fieldwork in France from fall 2013 through summer 2014; the country was on the heels of a presidential election in which the candidates seriously debated racial profiling. This was the first time (in 2012) that the issue had received political attention at the national level. Yet more than a year into his presidency, President Hollande—who had made it a campaign promise to address racial profiling—still had not addressed the issue. In fact, the Minister of the Interior at the time, Manuel Valls, publicly expressed his sympathy towards law enforcement and police unions, as well as his hostility towards policies that would document police practices, curb police discretion, or otherwise address racially biased policing. At the time of data collection racial profiling was no longer a hot political issue; it was no longer a highly visible public issue in the media, and organizational actors were regrouping to figure out their next strategic moves.

I returned to the United States to begin data collection at the beginning of July 2014, just over a month before Michael Brown was killed by Ferguson police officer Darren Wilson. In August 2014 Ferguson erupted, and the eyes of the country were forced to pay attention to issues between police and communities of color. These events served as a catalyst for a national movement examining racism inherent and institutionalized across America’s law enforcements agencies. Racial bias in policing became an increasingly controversial and publicly debated issue in the United States when I completed my fieldwork between the summer of 2014 and winter of 2016. While data collection in the United States occurred as a social movement around the issue
of racially biased policing was crystallizing, data collection in France occurred at a moment of regrouping and political inattention to the issue of racially biased policing. I define perceptions of these political environments as moments of political lull (in France) and political intensity (in the United States).

I capitalize on this stark contrast to compare differing political contexts. In particular, I examine how similarly positioned organizations strategize as a function of their perceptions of changing political landscapes. To add to the contrasts in perceived political context observed during fieldwork in the two countries, I also examine variations in perceived political context across time in the two countries, focusing on times of political lull, salience, and intensity in both France and the United States.

THEORETICAL MOTIVATION

As noted in the introductory chapter, seminal analyses of social movements and contentious politics have emphasized the important role of political opportunity structure in understanding the strategies and tactics of social movement organizations (McAdam 1982; Tarrow 1989; see also Meyer 2004 for a review). More specifically, scholars have demonstrated that “the context in which a movement emerges influences its development and potential impact” (Meyer 2004: 125), and highlighted how weaknesses in political structure create windows of opportunity for success. This body of research suggests that exogenous events and processes create political opportunities for social movement organizations and actors (see Meyer 2004).

Scholars have offered several important critiques and amendments to political opportunity theory that are particularly pertinent for this analysis. The first critique—the theory is overly structural—has resulted in calls for attention to the meaning-making processes inherent in collective organizing and action (Goodwin and Jasper 1999; Jasper 1998; Kurzman 2008; and
Following Kurzman’s (1996) attention to the perceptions of political opportunity, this chapter analyzes how organizational actors make sense of the political climate. I examine how organizational actors perceive political opportunity, which elements they take signals from, and then based on these perceptions, how and when they choose to proceed with strategic action.

A second critique, proposed chiefly by Morris (2000), is that internal movement dynamics ought to be analyzed as potential causal mechanisms in generating political opportunities, as opposed to simply “dynamics.” To be sure, other scholars have alluded to the importance of movement dynamics in generating increased political opportunities (see Meyer and Staggenborg 1996; and Tarrow 1994). Others have offered analysis of the ways in which radical organizations create windows for moderate gains, or the ways in which the state absorbs movement demands (Omi and Winant 1992). Haines (1984), for example, proposes the “radical flank theory”; he argues that the presence and actions of more radical organizations produces increased external resources to more moderate organizations. Bridging these two intra- and inter-organizational dynamics, I analyze the ways in which organizations perceive windows of political opportunity as the result of their own or other organizations’ efforts in the field of advocacy organizations addressing racially biased policing.

In addition to new areas for analysis in the internal workings of movements, another key insight of Morris (2000) has been to highlight the importance of “transformative events.” This chapter treats moments of the perceived political context broadly as the result of transformative events. September 11th, the 2005 riots in France, Ferguson—each of these events, I argue, has catalyzed actors into action or inaction around questions of racially biased policing.

In addition to building upon the contributions of political opportunity scholars mentioned above, this chapter offers two interventions into the literature on political opportunity. First, this
chapter extends the realm of inquiry beyond social movements to incorporate the social change work performed by various types of advocacy not-for-profit organizations. Rather than examining the impetus of mobilizing and internal movement dynamics, this chapter treats organizational strategy and tactics as the dependent variable. I argue that these theories are applicable to the wing of civil society engaged in advocacy, activist, and social change work in the presence or absence of a social movement. This chapter underscores the ways in which the literature on social movements undertheorizes the parameters of movements, hence it is unclear when social movement theories apply. I demonstrate that the concept of political opportunity may be applied to strategies for social change whether or not a clearly defined movement is present, as was the case in France in 2013 and 2014, but also in the United States prior to 2014.

Second, this chapter makes a contribution to this meaning-making approach by incorporating insights of new institutional theory to consider how organizational actors interact with their institutional milieus (Scott 1992). I argue that strategic action should be understood not by considering shifts in political institutions as a whole, but that we should look specifically to which specific institutions an organization engages, interacts with, or targets. I contend that organizational actors will perceive political context differently depending on which institutions their organizations focus.

By examining the internal actions of organizations as well as the interactions of organizations with one another and with various institutions, we can observe different strategizing patterns. I argue that there are three main contextual paradigms perceived by organizational actors: moments of political lull, political salience, and political intensity. These three political environments are co-constructed by organizational and institutional actors. I define political lulls to be contexts in which there is little public attention by the media, politicians or
policymakers to the political issue. During times of perceived political lull, organizational actors are generally at a strategic or tactical standstill. During times of political salience, politicians and government officials publicly debate the issue, which may be an issue central to the platform of a political party, and it is covered by the media. When organizations perceive political salience around an issue—in this case racially biased policing—organizations seek to effect change through mainstream and untraditional political or legal channels. Moments of political intensity are characterized by public outcry or mass unrest, and/or heated public debate as well as heightened media coverage of the issue. During times of perceived political intensity, organizational strategies are generally reactionary, seeking to respond to specific incidents or events.

FRANCE

Political Intensity: The Murder of Zyed et Bouna in 2005

In 2005, riots erupted in banlieues across France after the police were discovered to have chased Zyed Benna and Bouna Traoré, two teenaged boys of color, into an electric plant, leaving them to die by electrocution. This particular case highlighted not only the potential danger of an identity check, but also some police officers’ disregard for minority youths’ lives. When I asked respondents to elaborate on the issue of racial profiling and racially biased policing, many described the chaos following the death of these two teens.

In regard to how the Open Society Justice Initiative (OSJI) ended up taking on this issue in France, Lanno Hollo explained:

It's a European project, so we weren’t just in France. We're working across different European countries. We started on the documentation phase, so we were looking at the situation of ethnic profiling in different countries, starting to experiment good practices. And basically there were few reasons that made us start going deep in France. Not only France; we're deeper in a few other countries as well. But France, we basically made the choice to do a form of quantitative as opposed to qualitative research that we'd been
doing. So with the methodology that we’d actually had done in Russia, in Moscow as well, the Moscow Metro.

I mean in France, basically, there were the riots. There have been reports documenting clearly a widespread problem of different forms of ethnic profiling over decades. Clearly, the riots were directly linked to kids running away from a contrôle (identity check). And it wasn’t a unique situation in that ethnic profiling has been linked clearly to riots. Most riots that have had ethnic profiling even directly or less directly as a—so I mean, it was clearly a really serious problem in France, a really widespread problem in France, and a problem that despite the seriousness was not officially recognized. Which is quite different from, you know in the UK, you had the Brixton riots, you had a commission. And even after the French riots, you [elected officials] were talking about other factors, other types of discrimination, employment or education. But although this was directly related to the problem of policing, there’s still no official recognition. You also have a situation with the approach to ethnic statistics with the idea that you’re not supposed to do quantitative—although of course you can do it in an anonymized way—so we felt for various reasons it would be interesting to do a quantitative study in France that would actually examine with some hard facts, “Is there or isn’t there ethnic profiling?” And also I mean France, if we look at work that’s going to have an effect not just in our context but in other countries, and I mean France is an important country in Europe.38

As Hollo emphasized, the work of OSJI emerged in France, at least in part, as a response to the riots in 2005. Her analysis of the seriousness of the issue in France centers on two important facts. First, Hollo noted that the severity of the strain of the relationship between law enforcement and minorities is evidenced by the eruption of riots across the country. This point, that riots are often triggered by police-civilian interactions gone awry—particularly those between law enforcement and minorities—is corroborated by important scholarship on urban uprisings (see for example Schneider 2014). Second, Hollo underscored the fact that, unlike the official British response to the Brixton riots, the official French response to the 2005 riots was not comprised of a commission or report focusing on the relationship between police and residents of the banlieue. More broadly, her point speaks to the ways in which race and policing were conspicuously missing from official responses and analysis of the problem.

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38 Interview with Lanno Hollo on April 8, 2014 in Paris, France.
Her framing paints the picture of a tense political scene. As Schneider’s (2014) research shows, urban uprisings are often the result of the combination of a lack of recourse for marginalized or oppressed groups and the activation of racial boundaries. I categorize this as a moment of political intensity not simply because of the presence of riots, but also because of the attention given to the issue by various politicians, most notably then Minister of the Interior Sarkozy (who is widely known for his anti-immigrant and anti-Islam attitudes), because of both the media coverage and organizational activity that emerged to address racially biased policing. That is to say that riots were far from the only type of collective action that occurred in response to the killing of Benna and Traoré. In fact, several organizations included in the French study were founded as a response to deaths and subsequent urban uprisings. In addition, previously established organizations created new priorities and programs in reaction to the intense scrutiny on issues of police-civilian relations, particularly in the banlieue.

Organizations like Stop le Contrôle au Faciès, the Brigade Anti-Négrophobie (BAN) and ACLEFEU were created after the 2005 riots. ACLEFEU was founded in November 2005. The organization’s name is an acronym for Association Collectif Liberté, Égalité, Fraternité, Ensemble, Unis or “Collective Nonprofit Organization: Liberty, Equality, Fraternity, Together, United.” The acronym, when read aloud, also reads as “assez le feu,” which translates to “enough fire,” a direct nod to the riots. The organization’s website states, “ACLEFEU has a mission to augment the voices of those residing in working class neighborhoods within [French] institutions.” Including among the organization’s five areas of focus are discrimination and justice, as well as policing.

39 ACLEFEU’s “Who We Are” Statement from the organization’s website: http://www.aclefeu.org/index.php?option=com_content&view=article&id=143&Itemid=269
The *Brigade Anti-Négrophobie* has a similar origin story. Franco Lollia, a former popular French rapper and active member of the BAN, explained:

The BAN was created in 2005 following the riots that took place at the end of that year, which were caused by the deaths of Zyed and Bouna. These deaths were the consequence of a racially motivated police stop directed against a black and an Arab. One was 15 years old and the other 17 years old; there was one who survived who was 19 years old. These guys fled because they were scared of the police. They hadn’t done anything wrong, but they were skewered by the media, who reported that they had burglarized something to paint the picture that they had gotten what they deserved. But they swore that they were totally innocent; they had done absolutely nothing; they were just scared of the police, and for that reason they tried to save themselves by hiding in an *Electricité de France* electric substation, where they lost their lives. This led to revolts that lasted three weeks, which the media call “riots” to minimize their impact.40

Lollia described the important media coverage of the incidents, and how these teenagers, of black and Arab descent, were criminalized in the media. Lollia highlighted the important role played by the media in framing the causes of the riots. While concerns over racial bias in policing were not the initial explanations for the causes of the riots (Schneider 2014), the media’s portrayal of the uprisings fueled the creation of organizations which sought to disseminate a different narrative about what was happening in the *banlieues* of France. Lollia continued:

Following this episode as well as others, we decided to assemble a nonprofit organization. It is worth mentioning that there were several events that occurred that same year. There were successive fires that killed 52 people of black, sub-Saharan African descent, including 33 children. These arsons took place in the spring and summer in Paris. They concealed the issue of racial discrimination orchestrated by the French State, because the housing for immigrants—blacks being a part of this underclass—is always horrible. This housing is unfit for habitation: infested with rats, subject to lead contamination, vulnerable to fires whether criminal or not. I should also point out that before the fires, the French States could not find adequate housing for these people for ten to fourteen years, and yet as soon as the fire occurred, within one week they provided housing and even agreed to legalize the status of some of individuals. Here is an example of total hypocrisy inscribed with racism on the part of the State.

There was also a television personality who was condemned for racist injury to character aimed at the black community; this was also in 2005. But this gentleman remained employed, wasn’t sanctioned or suspended. We realized that something needed to be

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40 Interview with Franco Lollia on May 2, 2014 in Paris, France.
done, so we decided to create BAN and to name the racism aimed at blacks “Negrophobia” for technical reasons because it allowed us to not be precisely ok with the name. We are sure that in communicating “Negrophobia” that whether one is black or not, there is an understanding of the problem. It is for this reason that we chose this term and that we defined it in our book.\footnote{Interview with Franco Lollia on May 2, 2014 in Paris, France.}

While other issues characterized by anti-black racism occurred that year, the treatment by police and subsequent urban uprising were ultimately the catalyst for the formation of BAN.

*Stop le Contrôle au Faciès* was another organization that emerged as a result the 2005 riots. This organization actually represents a coalition, with a handful of individuals working with no one organization in particular, coordinating the joint endeavors of the member organizations. When asked to describe the impetus for creating a collective of organizations focused on the issue of racial profiling, Tara Dickman, *Stop le CAF*’s founder, explained:

> My background is growing up in the *banlieue* and also not necessarily understanding the political implications of anything that I saw growing up. But in 2005, things suddenly making political sense or sort of getting and understanding that what was going on in my neighborhood was going on everywhere, in every neighborhood. And that actually there was something that needed to be done about that. And that clearly that there wasn’t any understanding at the media level or political level or the academic level in France, and there was a discourse that was just sort of twisted that way.

> And so in 2005—many, many people I’m sure, that’s when they had a sort of right turning point—and so I knew I wanted to address policing issues. I just didn’t know how, when, and what the fuck, whatever. The lucky thing was that I was applying for a PhD program in the US. I had no idea how it worked. I was just like “Oh, it looks so easy.” Anyway, so it didn’t work out, and so I got into an MA program at NYU but by then I knew that what I wanted to study was comparative minority rights and work on the *jeunes des quartiers* (urban youth) figure that’s a constitutional product but nonetheless, it’s a socially constructed real identity that my whole generation that’s very—I call us *génération politique de la ville* (urban policy generation) because *politique de la ville* (urban policy) started the year I was born, in 1983.

> And so it’s like that generation of 30 years of *politique de la ville* and that whole thing was built around, you know, when your constitutional framework gives you—well constitution gives you a framework for policies, and policies affect the way you self-identify and then mobilize. And so the whole *politique de la ville* came with zones and came with territory and came with socio-economics and came with like the immigrant
status sort of thing. And so one of the things that I feel striking and that was kind of absent was that those who mobilized in 2005 after the riots were not the Blacks or the Muslims or whatever, it was *jeunes des quartiers* all over France, in very different types of neighborhoods. And that that was former sense of solidarity which wasn’t recognized in any legal way or whatever, in any political way. *Jeunes des quartiers* exists but isn’t protected by any . . . there’s no formal framework so you could do whatever you want with them but socially it’s a group.⁴²

Dickman made several important remarks regarding the impact of the 2005 riots. First she framed the riots as a moment that helped many to crystallize their understanding of the experiences of youth residing in the *banlieues* across France. Importantly, she noted this moment as one in which she was able to connect the dots, finding a systematic problem. In addition, Dickman framed the uniting force behind the desire to organize the experiences that are common across the banlieues. While she mentions examining “minority rights” from an academic perspective in the United States, she emphasizes that the unifying experience was not in fact about being “black or Muslim or whatever.” For Dickman, the solidarity and impetus to address the issue of policing was rooted in membership and residence in a neglected, marginalized geographic location.

Taken together, these folk analyses of the 2005 riots provide new insights into the ways in which organizations are created in response to their political environments. In particular, the testimony of these organizational representatives suggests that organizations were created in response to the specific catalyzing events leading to the riots and to the riots themselves, as well as to counter the narratives promoted by the media. This finding stands in partial contrast to Meyer and Minkoff’s (2004) study of the civil rights movement, examining the effect of the political opportunity structure on social movement organization formation and mobilization. In particular, Meyer and Minkoff find that when “conceptualiz[ing] political opportunity as a

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⁴² Interview with Tara Dickman on May 9, 2014 in Paris, France.
structural mechanism, organizers appear more responsive to general factors in the political environment than to issue-specific conditions” (2004:1478).

Other established organizations, like the aforementioned OSJI, developed new programmatic attention to the issue of racial bias in law enforcement. Similarly, Amnesty International, MRAP, the LDH, LICRA and other long-established international and national nonprofit advocacy organizations in France brought new focus to issues of policing as a result of the riots. For example, Julie Heslouin of Amnesty International explained how a campaign on the issue of impunity of law enforcement became a central issue of Amnesty International in France:

So with regards to police violence, I know that this started in 2005 because I had just come [to Amnesty International]. At the time there was a big, worldwide campaign to fight against impunity [of law enforcement]. This has always been a rather central preoccupation [of the organization], in our work to promote norms in the United Nations around the disproportionate use of force, policing of protests, and the concern over training police officers about human rights. I think that at the time the emphasis was really on the question of impunity. . . . In France there are topics that are a bit rare: police violence being one of them, even though there is some important work being done on the issue by Human Rights Watch, by LDH.

While she does not reference the riots specifically, Heslouin pinpoints 2005 as the year that launched a campaign focusing on police impunity, including a published report and a media strategy.

The example above demonstrates that established organizations also reacted to the moment of political intensity. The types of organizational strategies used by traditional NGOs would not likely emerge in research into protest strategies of social movement organizations. Scholars themselves note that the degree of openness of the political opportunity structure can in fact encourage mainstream political engagement. Moments of political intensity catalyze organizational activity. During intense political times, however, advocacy organizations engage in a range of strategies not all of which fall under the umbrella of radical protest politics.
Perhaps more broadly, some organizational actors characterized 2005 as a political turning point. Madeleine Eboa, the president of the nonprofit organization Humanity in Action Network, explained:

I think there has been a phenomenon of contagion within civil society in certain countries. I also think that in the French context we had the riots of 2005; we had a good number of factors that, at a certain point, force you to recognize that something strange is occurring. It’s kind of strange that—whether it be the structure of student protests at the end of 1960s, beginning of the 1970s. It unfolded extra-violently with the police, and it wasn’t because they were minorities. The majority were white, male students of high education who started these protests. Today what we see are the riots in the banlieues. At the same time, what is happening that something like riots are happening in the banlieues? There is legitimate discontent and it is logical that this response has emerged because one of the big problems is that the only public service available is the police. These are the themes of something quite disturbing.\(^{43}\)

For Eboa, 2005 marked an important moment in a lineage of police repression that served to spark organizational activity around the question of police violence directed at minority communities. In a similar vein, Youssef Boussoumah, an intellectual and activist deeply involved in the work of the Parti Indigènes de la République\(^{44}\) (PIR), contemplated the current moment. In thinking about the need to document the perspectives of immigrants in France, he observed:

Each time that immigrant groups have tried to organize themselves in an autonomous way, they were abandoned by the left and the extreme left. The third generation [immigrant] is us; in a sense, since the 2005 riots, we consider this a new moment. It is important to leave written traces; people need to read them.\(^{45}\)

Boussoumah intimates that the events of 2005 sparked a political awakening among immigrants in France. For activists and advocates focused on the issue of racial bias in policing in particular,

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\(^{43}\) Interview with Madeleine Eboa on June 13, 2014 in Paris, France.

\(^{44}\) Party of Subjects of the Republic. This political party was initially an advocacy organization which later became a radical political party serving the interests of those who are the descents of the “indigenous” or former colonial subjects. The organization’s slogan is “le PIR est à venir,” (“PIR is yet to come”). The slogan is a play on words, which translates to “the worst is yet to come.”

\(^{45}\) Interview with Youssef Boussoumah on April 27, 2014 in Paris, France.
the political intensity of 2005 served as a turning point in their strategizing and activity. While many advocacy organizations were founded to address policing in France at this time, and established nonprofit organizations committed to refocusing energy and resources because of the events of 2005, increases in strategic organizational activity came later. In this sense, organizational activity in the context of perceived political intensity in France demonstrates reaction-based activities.

Political Salience: The 2012 Presidential Election

During interviews, most respondents representing organizations in France described organizational efforts that occurred during the 2012 election season. A tight presidential race took place in 2012, one that was particularly relevant to the issue of racial profiling and policing more broadly. Sitting President Nicolas Sarkozy represented the UMP, France’s center-right political party. Sarkozy had expressed harsh, borderline offensive words regarding immigrant youth residing in the banlieues in the aftermath of the riots and had taken a strong law-and-order position, siding with law enforcement and their unions (Schneider 2014). His main challenger was the Socialist candidate François Hollande. Hollande, who ultimately beat him in the May runoff, included in his platform a commitment to address racial profiling. Just a few years earlier, no one had heard of the issue of contrôle au faciès, yet by 2012 it was being debated at the highest levels of national politics. How did France get there?

Organizing and funding led to an increased attention to the issue of racial profiling (or identity checks), in particular, as well as to racism in law enforcement more broadly. Between the 2005 riots and the 2012 elections, an increasing number of organizations became involved in addressing the issue through coalition work. This point was articulated by Ray, an organizer with the neighborhood-based organization, Cité en Mouvement (CIT). CIT is a young nonprofit
organization, officially founded in 2012, based in the eastern Parisian banlieue of Fontenay-sous-Bois. CIT’s mission is to encourage young people to become politically engaged. Ray recounted:

Little by little, yes we already had people who were responsible for responding to the press when they contacted us spontaneously, and then little by little we constructed a huge address book of hundreds and hundreds of email contacts. We knew that some would be good to work with because they were receptive to our work and others it was complicated. So we had this list of contacts, and we started to become more known, and our cause became more known. Then, they were calling us spontaneously. Because, you know, Hollande when he was a presidential candidate, he had a platform and one of the points of his platform—he called them his propositions—and Proposition 30 of his platform was to put an end to racial profiling. And that, that was us; it was our political lobbying work that put this on Hollande’s agenda. Obviously, he didn’t end up following through. That’s another the phase of the work that we’ve put in place. But nevertheless he did put it on his agenda, so this allowed us to have this issue of racial profiling that has existed for many years. It’s a societal issue that has existed for many years, 30 or 40 years. In reality, everyone knew it was a problem but no one talked about it. But we managed to make it an issue of public concern, that people were conscious of, that they denounced, and a political issue.46

Ray explained the ways in which the work developed during the time of the presidential election.

In particular, CIT was part of the coalition Stop le Contrôle au Faciès, which engaged in community organizing. They spoke with people in markets, in the streets, and in their neighborhoods. This was coupled with a social media strategy including a web series entitled “Mon Premier Contrôle” (“My First Identity Check”), a hotline where individuals could send a text message to get expert assistance regarding their potentially unlawful encounters with police, and the media strategy described above. This time was a particularly busy moment, with a very clear, multi-pronged strategy.

One important organization that brought external funding to support the efforts of several French advocacy organizations was the American nonprofit, OSJI. OSJI led the formation of a coalition of advocacy organizations in an attempt to persuade the newly elected President Hollande to address racial profiling broadly, beyond simply promoting the use of stop-forms to

46 Interview with Elsa Ray on April 3, 2014 in Paris, France.
regulate racial profiling. The organizations collaborated on a policy document that proposed several measures to address the issue. OSJI’s main person on the ground in France, Lanna Hollo, explained:

Those organizations on the advocacy document. I mean that particular collaboration started after 2012, after the presidential election, that wasn’t before. That was partly because there was the government to promise and the idea was, it was so focused on stop-forms and there was so much misinformation. We’ve been working there for instance with [the advocacy organization] *Graines de France* on a series of police population meetings. They’ve been an appeal that they put out . . . the idea was to propose something very concrete to President Hollande in terms of what we consider the elements that we mean he has fulfilled his promise and to broaden beyond to get out of the misinformation around stop-forms and to broaden to something that includes the range of measures. So it was actually . . . we started working together to come up with a series of measures that we agreed on between the organizations. So based on that with those organizations, we advocate for that series of measures, but that was post Hollande’s victory, although different organizations some more than others had been working on the issue.47

Hollo describes the ways in which the promises made during the election period led to organizational activity at the very beginning of Hollande’s presidency. Organizational actors who were part of this coalition viewed this moment as particularly ripe for pushing a broad agenda seeking reforms to ameliorate racist police practices. The organizations involved in developing a policy document included OSJI, LDF, MRAP, and HRW, to name a few, benefited directly from the organizing work of other organizational actors described by Ray. Stop le CAF, BAN, and CIF and their collaborators were instrumental in creating the political opportunity for OSJI and its organizational partners to provide policy suggestions.

The two coalitions worked collaboratively at times, specifically during the perceived window of political salience. As Ray described, these organizations were instrumental in creating their own window of political opportunity. By releasing a report by prominent French scholars documenting racial inequalities in identity checks, initiating a grassroots organizing campaign,

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47 Interview with Lanno Hollo on April 8, 2014 in Paris, France.
and filing a law suit against the French government over the issue of racial profiling, these organizational actors were able to apply enough pressure and gain enough public attention to place the issue on the political agenda at the highest levels of government. Once this was done, they continued with policy goals. However, this moment of perceived opportunity was short-lived.

*Political Lull: Post-Election in 2013–2014*

While the issue of racial profiling received a great deal of attention during the election cycle, the political buzz quickly died down leading to a moment of perceived political lull. Once the issue was no longer at the center of political debates and elected officials decided not to take on racial profiling, organizational actors found themselves in a moment of reflection. Some labeled it the end of a campaign cycle (not to exceed two years in the training of some organizers). Others noted that they were regrouping and trying to figure out next steps to continue pushing their agenda.

OSJI’s Lanna Hollo surmised what might have caused the sudden shift:

The other piece that’s the more difficult one, since we are dealing with policing, our broader theory besides France is that it’s very difficult to just impose change on the police, if you want that change to be effective. So you do need—and this is one of the more difficult pieces—you need as certain amount of police buy in to actually bring about constructive change. . . . We were making some headway into the socialists came to power. Unfortunately, the socialists coming to power have more negative than a positive effect on that. . . . It’s been complicated. The unions that would be seen as more the left unions, we were managing to start really dialogue where there were meetings and where they were interested in the good practice examples, and . . . you had members in that union who participated in a police-citizen dialogue.

And with the change of government—I mean, partly you have to deal with the way that the debate of stop-forms took place with a really, really—I don't even know if it was clumsy or intentional—at any rate it couldn’t have been worse the way the government put stop-forms on the political agenda. They gave misinformation. They announced it suddenly after the police—after the years of the Sarkozy era—felt themselves that they were at the frontline. They were being pushed to have numbers, statistics. And then suddenly, they felt that the fingers were being pointed at them as if they’re racist. And
then the stop-form was presented really badly, as the is solution to the entire problem and that you’re going to have a stop-form, and you show it and you don’t get checked again, which is not true. It was just very badly presented with no pedagogy, no consultation.

So police circles’ totally negative reaction, but which was broader and it was a total shut down. And those police that had been involved in dialogue felt a lot of harassment, a lot of pressure. The hierarchy of those unions . . . I mean I don’t know what happened but they shut it down. They shut any form of dialogue, even informal conversations with an NGO.

Has Manuel Valls put pressure? I don’t know what happened but it’s been total shutdown and it’s very difficult to build those bridges again. I mean, just dialogue. We’ve tried to have with other actors a dialogue project. Those police that were involved have been totally blocked at the hierarchy of the police. It’s much harder since the socialist government, ironically.

Hollo’s analysis of the conditions at the time of my data collection reflect governmental officials’ refusal to engage the issue seriously. She posited that this was possibly driven by the minister of the interior or potentially by police unions. Her analysis points to a complete absence of political opportunity, resulting in a lull in organizational activity. Elsa Ray of CIM also noted the political lull:

We have many different areas of actions. I would say that membership in the collective Stop le Contrôle au Faciès was our most important work during the first two years. So precisely 2011 and 2012, because there was so much work to do; there was an enormous amount of media coverage, an enormous amount of effervescence in fact. You saw so much energy around the issue that we were taken by it.

Now we work on [the issue of racial profiling] a bit less because first off, the current events issue is less of a hot topic for Stop le Contrôle au Faciès. So as a result, we were obviously less involved because we needed to develop our own activities as well. This year, for example, we focused heavily on municipal elections and then we have a cultural event coming called Quartiers des Livres (Neighborhood of Books). It’s actually a literary event to promote the writing of authors from working-class neighborhoods. Actually, if you’d like to come it’s going to be cool; I’ll send you an invite.48

48 Interview with Elsa Ray on April 3, 2014 in Paris, France.
While Ray’s analysis emphasized the new issues drawing her organization away from the question of racial profiling, she was clear to point out that racial profiling was no longer a “hot topic.”

To be sure, not all organizations interpreted the political lull as a structural or political challenge. Respondents offered other reasons for the hiatus in organizational activity. For example, Felix de Belloy, an independent lawyer who served as one of the lead attorneys for the case against the French state alleging racial profiling, echoed Hollo’s remarks about the Socialist administration in power at the time of the interview. Because de Belloy was working closely with OSJI on the legal strategy and court case, he spent more time explaining the strategic standstill vis à vis the status of the court case:

“We’re starting a bit from scratch. It’s the same case. . . . [For] all thirteen, we are filing appeals and filing the same pleadings that we had previously filed, except for we’re adding one additional appeal claim to the judgment of the lower court. We are showing why the lower court was wrong.”

De Belloy went on to describe their legal strategy in great detail, including the particular legal grounds on which they were appealing the lower court’s decision. This case, which was central for the media strategy in gaining traction with public opinion in opposition to racial profiling, was in the process of being appealed and no longer offered the opportunity for big press releases or catchy headlines in major newspapers.

In addition to reflections on the socialist government and the legal case, were considerations about community organizing. Film director and organizer with Stop le CAF, Ladji Real (his professional name), focused on the restructuring and restaffing of the coalition. Real pointed out that while regrouping, Stop le CAF’s original organizers were a bit worn out from the campaign around racial profiling.

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49 Interview with Felix de Belloy on April 13, 2014 in Paris, France.
We were primarily organizers, myself and Tara. . . . My main work is in film, and with
the organization it takes an enormous amount of time. I have retired myself a bit from the
work. And the work—in terms of being an organizer in an organization full of leaders—
is also to manage the leaders so that the work doesn’t fall all onto one person. Right now,
in effect, there is one leader. There are those who are more aware of the approach. . . . It
is true that it is an enormous amount of work, and it’s true that it is a bit hard because the
kind of work we were doing. Tara [Dickman] now finds herself alone with all of this
work, and it’s just that it’s much more difficult. There is Sihame [Assbague, the
spokesperson of Stop le CAF at the time] who shoulders a lot of the work in terms of her
being a leader. However, while we tried to install an equilibrium by putting all leaders at
equal levels, but then Sihame is replacing me [as an organizer] . . . But well, as long as
the collective remains creative and productive, it will be keep on thanks to the little
victories. And when it’s stagnant and it becomes too difficult, the machine will stop.50

Here, Real notes the ways in which the organization needed to regroup based on the principles of
organizing, rather than discussing it as a response to the political climate. I asked him if the issue
was that more organizers were needed. To this he responded:

Yes, but now the issue has become more difficult. Yes, we need more organizers and that
is the difficulty. Usually an organizer works in his local community rather than at the
national level. Now at the national level, plus there are many different people involved.51

Here, Real, connected the difficulties of community organizing at the scale in which they were
attempting to effect change. In particular, rather than pointing out the problems stemming from
an uncooperative socialist administration, Real highlighted the practical challenges associated
with attempting to organize at the national level.

At the end of my data collection in France, Stop le CAF threw a block party in the
courtyard of neighborhood community center in 10th arrondissement of Paris. The event was
meant to be fun and lighthearted; it included food, face painting, and speakers, and was broadcast
live over the radio. Dickman reflected on the choice to put on such as lighthearted event52:

Long story short, I think that in terms of political stuff, the Collectif (Stop le CAF) is not .
. . It will be very small—back like the undercover conversations that we used to have—

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50 Interview with Ladji Real on June 13, 2014 in Paris, France.
51 Interview with Ladji Real on June 13, 2014 in Paris, France.
52 Interview with Tara Dickman on May 9, 2014 in Paris, France.
things won’t really go back into full campaign for a while. And that’s why we wanted to make sure that people would have something fun to do together so we can think about what are your other obligations right now so that we can build. And slowly we can sort of consolidate the staff around getting people used to work on policing, because that’s part of their lives and when they need to fight again they’re ready.

This event was a response to some of the challenges described by Real. Dickman promoted a lighthearted event rooted in a humorous approach to questions of discrimination in a moment of lull, to regroup and have fun before beginning anew.

In each of the examples above, organizational actors perceive the moment as a lull in different ways based on the types of organizational activities and specific institutions they are targeting. In one case it was the role of political institutions and political actors that stymied policy reforms. In the second example the judicial system was responsible for regrouping and legal strategizing. In the third instance, burned out organizers and the problem of recruitment produced a lull for the organization whose efforts were rooted in an ideology of people power and community organizing. The institutions and strategies employed are central for understanding when organizational actors perceive intensity, salience, or opportunities.

UNITED STATES

*Political Intensity: Rodney King Verdict in 1992*

In early March of 1991, an amateur cameraman captured officers Los Angeles Police Department repeatedly kicking and beating Rodney King with a nightstick. Four officers engaged in the beating, while over twenty were present. The video footage of King’s abuse was subsequently aired on televised news nationwide, sparking outrage. This incident focused the public’s attention squarely on the issue of police use of excessive force, especially towards African Americans and people of color. Just over a year later, the four officers who had been charged in King’s beating were acquitted, and the Los Angeles rebellion erupted. Between April
29 and May 4, 1992, Los Angeles was ablaze, with reports of violence and looting beginning in South Central and spreading across the city.

Much has been written about the racial attitudes at the time of the 1992 rebellion (Bobo and Hutchings 1996; and Bobo, Zubrinsky, Johnson and Oliver 1994), the underlying racial dynamics of ethnic competition (Bergeson and Herman 1998), and the meanings constructed through the news of the urban uprisings (Hunt 1996). While less attention has been paid to organizational responses, limited data suggests that organizations at the time perceived this moment as a catalyst for action, a moment of political intensity. For example, in a 1997 ACLU manual for action against police abuse Ira Glasser, then Executive Director of the ACLU’s National Office, explained the genesis of such a field guide. He wrote, “It arose out of our realization that, ultimately, it will take a strong and sustained effort by community groups to bring about real and lasting reform. And it is to those efforts that this manual is dedicated.”

The development of this manual emerged from the organization’s perception of a social problem, brought into focus by the 1992 rebellion. More broadly, the ACLU saw this issue as one fundamentally affecting questions of civil liberties, and one that would need to be fought by civil society organization.

For their part, the NAACP has framed current mobilization around police brutality against communities of color as falling into the long legacy of action spawned by tragedy. As an introduction to the organization’s “Racial Profiling Curriculum” under its Criminal Justice Resources section of the website, it states, “Like the cases of Emmet Till and Rodney King before it, the case of Trayvon Martin has activated millions of Americans to urgently seek answers to how we can finally end wide-spread, officially-sanctioned, racial profiling and)

racially motivated violence against and humiliation of Black men and boys.\textsuperscript{54} This brief statement acknowledges the extent to which these tragic episodes of racialized violence against black men serve as a call to action, a moment of perceived political intensity. The beating of Rodney King follows the killing of Emmet Till and precedes the murder of Trayvon Martin: three episodes that sparked movement on a civil rights agenda centered on racial justice.

Even the local government responded to the 1992 rebellion by developing new programs to address the needs of the hurting inner city. Mayor at the time, Tom Bradley, announced the creation of Rebuild LA, an organization whose mission was “to spend five years harnessing the power of the private sector to replace and improve on what was lost” (Jaffe 2012). Though the organization’s legacy is characterized by mixed reviews, the extent to which the riots pushed not only advocacy organizations but local government in partnership with business to address the issues facing Los Angeles demonstrates the extent to which these events helped frame the political moment of one of intensity, marked by significant reaction and response.

More recently, in an interview with Chauncee Smith, a lobbyist with the ACLU’s California State office in Sacramento, evoked the legacy of the 1992 episode in his organization’s history of addressing racial bias in law enforcement. In explaining the priorities of the organization he noted:

\textquote{ACLU of California, the values and principles that they work from are the constitution. So it’s the Bill of Rights one to ten, plus the 14th Amendment, which is the Equal Protection Clause. So all of this work for racial justice extends from our commitment to the principle of equal protection as embedded in our constitution . . . —that’s for racial justice issues and also for other types of inequalities. And then aside from that we have the First Amendment, freedom of speech and Second Amendment, right to keep and bear arms and so on and so forth, the whole gamut. Our goal in this work or any other type of campaign largely stems from of what the public wants.}

\textsuperscript{54} “Racial Profiling Curriculum, Resources & Know Your Rights” accessed April 2, 2017. 
http://www.naaccp.org/criminal-justice-resources/
We’re always going to keep our radar on all . . . they’re on a protection of all constitutional values; however, we usually put emphasis on what the public cares about and what’s the most pressing—what’s the most pressing at the moment in time or in the near future, right? And also it depends on like the avenues and stuff like that. So yeah the early 90s to mid and late that was the first time the issue of racial profiling was like became prominent like Rodney King was like in the early 90s and it continued on. And it was a very important issue for the public at that time that we’re involved in.55

Over two decades earlier, the beating of Rodney King and the subsequent rebellion in Los Angeles are recalled in discussions of the organization’s current work around racial profiling and the excessive use of force. Even relatively new employees at the ACLU, like Smith, refer to this important moment of political intensity in sparking the organization’s work on issues of police abuse. Like the other periods of seeming chaos or organizational incapacity, “transformative events” (Morris 2000) like the riots force organizations into reactive states. The 1992 LA riots represented a period of political intensity.

**Political Salience: The Late 1990s Driving While Black Campaign**

Coming on the heels of the 1992 riots, the ACLU’s Driving While Black campaign (DWB) can be viewed as a result of organizational actors’ perceptions of political salience. Not only was the issue popular with the public, as noted by Smith in the previous section, but the ACLU of Northern California recognized the opportunity to address several unrelated issues of racial justice; in fact, DWB emerged as a result of a focus on issues of affirmative action. Taking cues from other advocacy organizations in the Bay Area, the ACLU-NC recognized the importance of the issue and pivoted away from devoting so much of their energy for achieving racial justice at affirmative action. In addition, the issue gained momentum as a direct result of the legal, media, and organizing campaign and strategy implemented by advocacy organizations. This coordinated effort, led primarily by the ACLU—its national office, as well as state affiliates

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55 Interview with Chauncey Smith on September 2, 2015 in Sacramento, CA.
most notably the ACLU of Northern California—help put the issue of racial profiling on the political map nationally, and made the term a resonate as a recognizable phenomenon by the broader American public.

In explaining the development of DWB, Michelle Alexander discussed the ways in which events not directly related to questions of racial bias in law enforcement were factors that significantly influenced the decision to launch DWB. Alexander recalled:

I was hired to be their director of the racial justice projects there at time when Prop 209\(^\text{56}\) in California had just passed. The ACLU of Northern California had created a brand new position of Racial Justice Project Director because they felt a sense of urgency to respond to what felt like a backlash against civil rights gains. Originally the project was created with a vision that it would be focused on trying to work together in coalition with other civil rights organizations to minimize the harm created by Prop 209—that is, to fight it in the court, but also to try to minimize the harm of the rollback or affirmative action . . .

When I came on board, I wasn’t that excited about the affirmative action related work. But I was really interested in helping them think through what it would mean to respond meaningfully to the kind of all-out assault on people of color that was occurring in California at that time. And they were willing to kind of give me a blank check to figure out what I wanted to do and how I wanted to do it—not quite a blank check but you know, a lot of room to maneuver.\(^\text{57}\)

Social movement scholarship investigating the effects of prior events on social movement activities generally focuses similar types of events that address the social issue in question, or on politicians in power or policies that would signal the opportunity. Here, however, Alexander describes how a seemingly unrelated policy change—the banning of affirmative action in public institutions in California—led the ACLU to focus on racial profiling. Social movement scholarship examining political opportunity, particularly quantitative studies that might not include such a phenomenon in its model, would likely miss how these seemingly unrelated

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\(^{56}\) Proposition 209 was a California state proposition voted into law in 1996 that effectively ended affirmative action policies in public institutions, perhaps most notably the University of California system.

\(^{57}\) Interview with Michelle Alexander on December 8, 2015 via video call.
events affected organizational strategy.

To this, Alexander also added the importance of inter-organizational influence. During our interview she explained:

Once, I got there [to the ACLU of Northern California] I would have to say, I was really influenced by Van [Jones] and the work of the Ella Baker Center for Human Rights. Van introduced me to a lot of people who were doing amazing work on the ground around police practices. He and his team were creating a hotline for police abuse and a rapid response system so ordinary folks could get help immediately when they faced police harassment or brutality. He told me that, in his experience at the Lawyers Committee, they would send him out to communities of color and tell him to try organize those communities to protect affirmative action. And so he organized community meetings in the 'hood about racial justice. But when he got up in front of the room and started talking about affirmative action everyone just sort of stared at him blankly. Finally, someone would speak up and say, “Well, what am I to do about the cops beating down my kids in the street?”

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Part of the impetus to focus on the question of racial profiling was sparked by the connections Alexander had to other local organizations, namely the Ella Baker Center and the Lawyers Committee for Civil Rights. Through the Ella Baker Center’s Police Watch campaign, and the Lawyers Committee’s failed attempts at organizing communities around affirmative action, she was impelled to push the ACLU’s activities toward work on racial bias in policing. In addition to tangentially related political events, inter-organizational relationships are important factors shaping how organizational actors envision opportunities for effecting change.

John Crew, who was a central figure in pushing the ACLU’s agenda on this issue in the late 1990s, offered a slightly different but succinct interpretation of the organization’s strategy. Crew served as the director of the ACLU’s Police Practices unit beginning in 1985, and later collaborated with Alexander in spearheading the policy side of the DWB campaign. Crew explained the broad strategy:

58 Interview with Michelle Alexander on December 8, 2015 via video call.
I never thought that the strategy was that that bill was going to solve the problem. It was a way to keep the pressure on and to expose the issue and to put pressure on law enforcement in all levels to finally deal with it. And my strategy wherever possible—and this is a classic example of how to do it—is multi-tiered. You don’t just work locally. The ideal scenario is you’ve got something going on locally, and you’ve got something going on in the state level, and you’ve got something going on federally. There was a national bill that was introduced by John Connors. It was never going anywhere, but the fact that it was pending created the opportunity. And you’ve got litigation, and you’ve got advocacy, and you’ve got policy reform, and you’ve got—I mean, another piece of this was the national law enforcement group was starting to create field pressure . . .

So, somewhere around, I guess it was ‘99 or 2000, all of this great activity was successfully burning me out. . . . I was thinking about leaving the ACLU and instead Dorothy [Ehrlich], my boss, and Michelle [Alexander] convinced me that the time was really right nationally on this issue. Michelle ought to focus on California while I tried to do something nationally. So, we proposed to the national office basically this one-year sprint to the finish line effort. So I created a Campaign Against Racial Profiling, “CARP.” And we pursued CARP to try to really leverage what had been going on naturally as much as possible and to provide expertise needed to try to coordinate basically whatever state could get involved simultaneously to do the pushing at all times.

Crew articulates a strategy that builds, in fact, on the organizational efforts of the ACLU affiliates themselves. His interpretation of opportunity is structured, in part, by the amount of pressure and activity the ACLU and its partners were able to apply at different levels of government and through different channels, including legal, policy, ally-building, and organizing. That is to say, the momentum garnered by the ACLU propelled the organization into further action on the issue.

*Political Lull and Political Intensity: Post-9/11 America*

Just prior to September 11, 2001, advocates in the Bay Area were busy with their Driving While Black campaign. In addition to the hotline they had launched, billboards they had strategically placed along the roads in the valley where Latino motorists were routinely racially profiled, legal cases they were mounting, and media strategy they were using to blast DWB and bring the issue to Californians’ consciousness, they were also pushing state legislation to curb racial profiling. The hope was that this key piece of legislation would help promote a national
case for more policy reform. Numerous respondents told me that the momentum on this issue came to a screeching halt after the September 11th attacks. The political context post 9/11 was one of a state in war. Suddenly racial profiling, surveillance of particular groups, harassment of these groups in the name of national security was legal. It changed the landscape.

Several respondents who had been working on the issue of racial profiling in the late 1990s and early 2000s mentioned September 11th as a turning point in their momentum. For example, Dorothy Ehrlich, John Crew’s aforementioned boss and the Executive Director of the ACLU of Northern California at the time of the DWB campaign reflected on the successes and the end of the campaign. She recalled:

> It’s one of the first times that [the ACLU] did a kind of a state-based, nationally coordinated campaign almost on any issue. . . . There were 44 states that had introduced legislation [on racial profiling], which was extraordinary, and what progress they all made I can’t begin to tell you, but at least it introduced similar legislation to begin to track data, to raise consciousness in that state. That all built up to our, remember what would be the presidential debates and what year would that be? Ah, 2000? 2000 yeah. Both candidates identified racial profiling as an issue, that racial profiling that was unfair and needed to be addressed which was just sort of amazing, and we really felt like we had sort of put it on the map . . . The legislation [in California], if I recall correctly, it was amended in a way that we felt sort of betrayed, and then the governor vetoed it . . . So that was the end of the campaign . . . That was the end of California. So then the states, they were all simmering and then—I think everyone would agree, I think this is right that—2001 happened, September 11th, and all the wind in the sails of this just kind of were deflated. It really lost all of the motivation that had been going on. And also the target sort of changed to such a degree, you know who’s being racially profiled? And it was a larger group. And we did stick to the issue of racial profiling, but to some degree we were thinking more about Muslims and South Asians, and what was happening in those communities at that point. 59

Like others, Ehrlich noted that the September 11th, 2001 stopped the momentum of CARP in its tracks. 9/11 ushered in concerns of national security, which superseded those of guaranteeing

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59 Interview with Dorothy Ehrlich on January 21, 2015 via video call.
individuals their constitutional rights. Veena Dubal, who was formerly with the Advancing Justice/Asian Law Caucus, also noted the ways in which the political context changed:

So you know all the stuff that was done in the ‘80s and ‘90s was like “You need reasonable suspicion, you need reasonable suspicion, what does that mean?” But in the post 9/11 context reasonable suspicion was gone, national security is always the exemption. Even the Attorney General guidelines around racial profiling has a national security exemption and has a border exemption. So racial profiling is okay in this context and necessary.

Her analysis of the shift highlights the primacy placed on legal strategy, and in particular how in the post 9/11 world, racial profiling became difficult to litigate, particularly for victims of the practice who identify as Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) because of the legality of racial profiling in the name of national security. From a legal standpoint, then, 9/11 crushed organizational efforts aimed at broad reforms to address racial profiling.

However, Dubal also framed 9/11 as a catalyzing event to which those working in AMEMSA communities responded by developing organizations and strategizing. Dubal explained that in the few years that followed 9/11, people were in “response mode.” She told me:

There were all these non-institutionalized kinds of nascent organizations or people who were affiliated with the organizations that reached out that were just responding. I was in law school at some point in 2005, and literally there was California’s first terrorism case in Lodi, and I drove down to Lodi. It was just everyone was in response mode.

Contrary to the impact of 9/11 on legal and policy strategies addressing the needs of inner-city communities, local community organizing was propelled by the increased surveillance, the registries, the racial profiling, and harassment of AMEMSA communities. Dubal’s characterization of organizing and organizations being in “response mode” reflects organizational actors’ perceptions of September 11th as a moment of political intensity. Dubal

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60 The Asian Law Caucus has since merged with other social justice organizations around the country and is now called Asian Americans Advancing Justice/Asian Law Caucus
61 Interview with Veena Dubal on November 26, 2014 in Berkeley, CA.
62 Interview with Veena Dubal on November 26, 2014 in Berkeley, CA.
described the emergence of several “nascent” and informal organizations, some of which went on to become institutionalized nonprofits like the Arab Resource and Organizing Center in San Francisco. She noted that established organizations like Advancing Justice/ALC and Chinese for Affirmative Action collaborated with these nascent organizations and that foundations such as Open Society, the Ford Foundation, and the Proteus Fund allowed these organizations to flourish and take on the discrimination faced by AMEMSA communities at the hands of law enforcement.

Zahra Billoo, Executive Director of Council for American Islamic Relations’ (CAIR) Bay Area chapter echoed this perception and effect of 9/11. In describing the development of CAIR, Billoo reported:

As a background, CAIR is the nation’s largest American Muslim civil rights organization, founded in ’94. There were a couple of pivotal moments at that time. One was like the Arnold Schwarzenegger True Lies movie, the other was the Oklahoma City bombing and people saying this looked like it was a Muslim act of terrorism. So those were the two that we constantly reference, but there was a need for an organization that would do the kind of work that CAIR does. And so since then, like pre-9/11, there were eight chapters and post-9/11, it was like 32 [chapters].

Billoo pinpoints September 11th as the event sparking the quadrupling of CAIR’s national presence. She clarified CAIR’s approach to advocacy and explained:

The mission is to promote justice, enhance the understanding of Islam and empower America Muslims. The way I explain it is that we do that through a few strategies for change. The first is direct legal services, right? So that’s going to be helping someone who’s in immediate need and looking at what the entire toolbox is to help them, but that immediate situation. The other is working with the media to amplify American Muslim issues. Another is working with elected officials to put forward policies that makes sense, and that includes advocating for an anti-racial profiling… And then the other is like—it used to be interfaith work but I prefer to frame it as you know as bridge building and coalition building because there are so many Americans today that are of no faith at all, but also because interfaith for the sake of interfaith isn’t particularly effective in my opinion. It’s not just about getting the leaders together; it’s about getting people together to actually do something, right? Like people can have only so many conversations about

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63 Interview with Zahra Billoo on January 20, 2015 in San Francisco, CA.
food, but that they actually need to advocate for something and we find that to be more effective.

Billoo’s description of her organization’s approach highlights the ways in which the organization is deeply connected to the communities it serves. While yes, they do have policy as well as media strategies, Billoo spent more time describing the direct legal services and community-building work that her organization engages in. For CAIR, 9/11 was perceived as a moment of political intensity; it presented an opportunity to respond to the changing legal climate and increase their support to the AMEMSA communities they served.

As this section illustrates, 9/11 presented both political opportunities and political constraints for advocacy organizations addressing racial bias in law enforcement. It was a period of political salience as well as a period of political lull, depending on the strategies pursued, communities served, and the state institutions targeted. For organizations that had been addressing racial profiling as it affected urban communities and using impact litigation or policy-work at the local, state, and federal levels, 9/11 very much constrained their efforts. Organizational actors perceived this incident as the beginning of a political lull. For organizations that worked primarily in AMEMSA communities and provided direct services and engaged in community organizing, 9/11 was the event to which organizational actors were responding; it was perceived as a call to action, a moment of political intensity.

**Political Intensity: Oscar Grant**

Oscar Grant, memorialized in the 2013 film *Fruitvale Station*, was killed by Bay Area Rapid Transit police officer, Johannes Mehserle, in the early morning hours of New Year’s Day 2009. Following in the footsteps of the widespread media coverage of Rodney King’s beating by the Los Angeles Police Department, the video footage of Grant being shot by BART police was one of the first cell phone videos of police violence to go “viral.” The video of Mehserle
shooting Grant in the back while he was lying face down on the train platform has been viewed upwards of five million times on YouTube. This incident also jolted Bay Area activists into action around the issue of racialized police violence. For example, Cat Brooks, founder of the Onyx Organizing Committee and the Anti-Police Terror Project (APTP), and an active member of Black Lives Matter Bay Area, chapter described the emergence of Onyx and APTP:

Onyx was born out of the struggle for justice for Oscar Grant and primarily because after the first coalition—the coalition against police executions formed very quickly, it was made up primarily of people that were part of the nonprofit industrial complex and that fell apart very quickly. And part of why it fell apart very quickly was because of the direct engagement that was happening between the people and police, right? And so ED’s and folks who are attached to nonprofits, who they were accountable to, they couldn’t engage in a certain way and you can’t please the people when they’re at that level of anger and rage.

So what happened then was a bunch of white folks who had the privilege, luxury, whatever to step up did, and as an individual black person in the room it was very difficult to impact the direction of the struggle. The other thing that was happening was the rebellions were also resulting in looting and vandalism. but if you were out there what you saw was white folks engaging heavily, initiating heavily, encouraging black folks to initiate. But when you went to the OPD website the only faces you saw were black faces. We went to an action in Walnut Creek; the pro-Mehserle rally, so we went to Walnut Creek. It’s seriously the scariest thing I’ve ever done. And, there was more of that, like white folks instigating young black folks to go get in the faces of the cops and [then] walking away and we just had had enough. . .

So at that night after the rally, we formed Onyx, and our intention was really overarching liberation for black folks. And so we did all kind of things, like food programs, cultural programs, political education study. But our primary focus was police terror. And we were really the only black organization at that time that was engaging the state on police terrorism. Malcolm X Grassroots Movement was here, but they weren’t active. So we did that for a while and then I guess a couple of years ago shortly after Alan Blueford was murdered, we started having a conversation about you know we have the ability at that point to bring thousands of people into the streets at any given time and people would come and they would be in the streets for days or weeks but then we all went home. So we started to feel like we were exploiting black bodies so that wasn’t okay and we weren’t really having any real impact in the community so that’s how the Anti-Police

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64 Alan Blueford was an 18-year old high school student shot and killed by the Oakland Police Department on May 6, 2012. OPD initially reported that Blueford had exchanged gun fire with the police but later admitted that the officer who killed him had been hit by his own bullet. Blueford’s family was awarded an $110,000 settlement in 2014.
Terror Project was born. And the point of APTP is that state violence happens in our communities every single day. The worst extremes of those encounters is murder, but so there’s everything from sexual harassment to extortion, to racial profiling, to beating, to stopping and frisk, it’s a really long list and that we believe that it was time to stop allowing the state to set the terms of struggle and we want to struggle every day.  

Brooks’ account highlights the ways in which specific incidents of “state violence” prompted activists to organize around the issue.

Other respondents also described how specific events, namely the killing of black men by police officers, sparked the founding of community-based and activist organizations as well as programmatic work at existing nonprofits focused on racially biased policing. For example, Carey Lambrecht, a former legal assistant at the ACLU-NC, recalled the shift in her work for both the ACLU and the National Lawyers Guild, two established nonprofits. On a sunny February afternoon, in Dolores Park in San Francisco, she told me:

Lambrecht: In the course of my work there [at the National Laywers Guild] and the voluntary work I did for years, I started getting involved in some of the litigation that was coming out of some of the police practices that were more repressive or circumstances where mass arrests that were illegal were then filed on as civil rights violations and the first one that occurred that I was involved in was during the Oscar Grant protest in Oakland. And coming out of that protest, there were kind of spontaneous outbursts at the lack of justice for Officer Mehserle’s light sentencing in 2009. And so in 2010, a civil rights case Spalding v. City of Oakland et al was filed and I worked on that case.

Interviewer: And was that through your voluntary work at the National Lawyers Guild or . . .?

Lambrecht: Yes and, you know, I was a part of providing legal support meaning monitoring the place during those protests and you know, I had been doing that for years as a marked legal observer.

Interviewer: Right, with the neon caps?

Lambrecht: With neon green hats, indeed. Coordinating those legal observers running a hotline, tracking them on arrests and who was in jail from the protests, providing them a free pro bono representation for the criminal charges and then looking at the types of

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65 Interview with Cat Brooks on August 26, 2015 in Oakland, CA.
Lambrecht first describes how her experiences at the National Lawyers Guild were shaped by the current events in the Bay Area. In particular, she mentions the ways in which she was involved in supporting protesters in the aftermath of Oscar Grant’s death. The political context produced necessary reactions by organizational actors, in this case defending the legal rights of protesters. Secondly, Lambrecht describes the ways in which she imported the skills and expertise gained through experiences as a volunteer working on issues of policing for the National Lawyers Guild to her paid position with the ACLU-NC. Her expertise was important in the litigation the ACLU-NC was involved in against law enforcement agencies violating the rights of protesters. In our discussion, Lambrecht also described how, along with several colleagues, she pushed for a working group to focus on issues of race and policing. The organizational connections did not stop there. Through her work at the National Lawyers Guild, Lambrecht worked with APTP. She explained:

APTP, you know some of the folks in leadership started organizing around after Oscar Grant was shot, and some of us were working with them back then in providing legal support for protesters who are rising up. So those are the relationships have been set and mostly I don’t assume anyone wants help. I allow people to determine what they need and ask for it through the National Lawyers Guild or through informal means by knowing you know, someone that’s trusted.67

Lambrecht work in and with a variety of organizations. In the case of APTP, she was able to help provide direct legal services to protesters who had taken to the streets after Oscar Grant’s murder.

66 Interview with Carey Lambrecht on February 15, 2016 in San Francisco, CA.
67 Interview with Carey Lambrecht on February 15, 2016 in San Francisco, CA.
While the organizations described above emerged to organize community members and push for changes in policy and police practices, other organizations emerged to serve the needs of the families who have undergone the loss of a loved one at the hand of law enforcement. For example, Oscar Grant’s uncle, Cephus Johnson who is endearingly referred to in the community as “Uncle Bobby,” described the establishment of both the Oscar Grant Foundation as well as the Love Not Blood organization and campaign. Johnson explained:

So what I do is I kind of give a backdrop to where I’m at today based on what happened with Oscar. So of course we know on January 01, 2009, Oscar was murdered and that pushed me to begin to speak about this issue concerning police murders and the effect that it’s having on us as black people in this country and what it is that I can do. And so I began to speak on that issue. In the process, I started and founded the Oscar Grant Foundation with the sole intent of really maintaining it until my sister regain her voice and even at some point maybe for Tatiana then take leadership, which is Oscar’s daughter.

So just this past year in July 2014, I released the foundation to my sister Wanda, who is Oscar’s mother for her to take her vision to where she can run it according to how she felt Oscar would want her to see it. I think just my own personal perspective; I’m a little bit more combative, combative in the sense that I don’t see it as a sample system where reform is just simply a word. And so of course, I have pretty much thought maybe that it was possible that I might be taking the foundation a little different than what she wanted. Anyway, the whole idea was to give it back to her anyway so I have no problem in her direction, but in the process, I created Love Not Blood Campaign which I was the co-founder with my wife in which we launched in July 2014 also.68

The mission of these two organizations is to support families who have lost a loved one to state violence. Similarly, La Mesha Irizarry described launching her foundation after her son, Idriss Stelley—with whom I attended elementary school—was shot 48 times and killed by nine police officers during a manic episode he was having at a San Francisco movie theater. Like Love Not Blood and the Oscar Grant Foundation, the Idriss Stelley Foundation serves to organize families have lost a loved one at the hands of law enforcement or in the custody of the criminal justice system. Irizarry explained:

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68 Interview with Cephus “Uncle Bobby” Johnson on March 13, 2015 in Milpitas, CA.
So I thought I’ve got to do something that would serve to unify families and activists and friends who was doing joint action. That is why you will hear my name come up oftentimes as the old woman was a legacy of the movement and that’s pretty much what I do now. I’m the old matchmaker, you know, like Amilcar Perez is killed in the Mission [neighborhood]. I immediately call the civil [rights] attorney that I know is living right across the street from the murder. I alert the Coalition for Justice for Alex Nieto and everybody come for Amilcar, for the press conference. So what I thought was to recreate a movement that would do away with political turf. I’m a socialist; however, we’ve served over 6,000 clients and families since the inception of the Idriss Stelley Foundation. I never put my politics into my work because to me that’s not inclusive, because I see that happens so much. NOI, you know, Nation Of Islam is going to defend a certain class of people like Oscar Grant but they never going to pick up Latino, Native American, or white kids. So that’s why Idriss Stelley Foundation was created to connect the dots to be like a charismatic force that would transcend and unify and get people together.69

Much like in France, individuals in the United States felt compelled to act after a triggering event. While in France the deaths at the hands of law enforcement led to riots and in the Bay Area they did not, the patterns are nonetheless quite similar. In both contexts, police use of lethal force against individuals of color led to moments of political intensity, marked by riots in France and protests, rallies, and raucous city council meetings in the Bay Area, and riots in Ferguson, MO. These instances of communities reeling and expressing unchanneled energy prompted these community members and activists to begin to organize strategically, hence yielding a host of new organizations and programs with the specific intent of addressing police violence against communities of color.

*Political Intensity: The Emergence of Black Lives Matter 2014–2016*

Fast forward thirteen years and once again a political opportunity has arisen for organizational actors to make progress on the issue of racially biased policing. This time, I argue, traditional nonprofits have benefited from the sustained efforts and development of organizational capacity. In particular, the public awareness of the issue, coupled with a strong

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69 Interview with La Mesha Irizarry on March 25, 2015 in San Francisco, CA.
network of advocacy organizations with years of relationships, collaborations, and coordinating around the issue, poised these actors to create their own political opportunities. That is, the work of more radical advocacy organizations and their applied pressure and interactions with the state created opportunities in the political structure. In addition, the existence of the more radical, grassroots, community-based organizations has provided the foundation for new organizing.

While the urban uprisings in Ferguson, MO threw the issue of racial biases in policing onto the national spotlight, careful organizing has kept it there. The work of existing organizations helped support this new organizational field. For example, not only did Cat Brooks discuss her involvement in Onyx and APTP’s creation in response to two separate instances of the use of lethal force against young, black Oakland residents, but she also discussed her friendship with Alicia Garza and the founding of Black Lives Matter. Brooks recalled:

So we want to stop being so reactionary and start being visionary in terms of how we attack this problem. Well that was exactly when Ferguson popped up too, and so we’ve been forced to continue to be reactionary for the most part though we are almost done with our strategic planning process. Alicia and I have been friends for a long time and her husband, Malachi, was actually one of the first really active people in the struggle for Oscar Grant so we have that connection. And I remember when she was talking about Black Lives Matter and I remember writing it in chalk at the alter that we built for Trayvon over a year ago. So when that all started to explode, she and I were doing a lot of talking about what that should and could look like in Oakland but that, really, my first real engagement—and at that time we weren’t a chapter—was when we shut down the BART train. So all of a sudden we’re going to continue to rock with each other after that.

Brooks described the ways in which her experiences in launching and organizing with Onyx and APTP contributed to the formation of Black Lives Matter in response to yet another death at the hands of law enforcement, this time in Ferguson, MO.

70 Bay Area Rapid Transit
71 Interview with Cat Brooks on August 26, 2015 in Oakland, CA.
Critical Resistance is a radical, though formal, nonprofit with 501(c)(3) status, whose
mission is to abolish the incarceration regime in the United States (and abroad). In an interview
with Jay Donahue, he reflected on the current moment:

In terms of Critical Resistance in Oakland, the Oakland Power Projects let’s say is our
main anti-policing work at this moment. You really see that as a building work. So really
building up resources, tools, capacity for Oakland residents to identify issues, or places of interaction with cops where most likely they come into contact with cops, places that maybe you wouldn’t ordinarily think of and then identify ways in which we can sort of circumvent that.

And so right now, we’re focused on the ways in which people come into contact when they’re trying to seek healthcare whether that’s mental health crisis or emergency like whether let’s say you fell off your bike or you’re shot. And then also sometimes when people have had chronic health conditions but they might have an acute event related to that you know. All the different ways in which from calling 911 the cops show up to going to the hospital and the cops have an office there or what have you, and trying to figure out ways that communities can support each other and get the care that they need without calling the cops or by minimizing your contact with the cops.

I think we see that as a broader strategy for healthy communities. So healthy communities not just being like do I have high blood pressure or not, but the kind of holistic vision for communities. And I think that that definitely relates to the this moment of Black Lives Matter in particular because we have seen, as you were referencing before, that the killing of people sometimes is a catalyst but that communities had been dealing with so many issues of austerity and disinvestment for decades. And so thinking about how those things really relate and are intertwined with the system of policing and how that sort of interject or interrupt those systems.72

Donahue’s remarks focused on the temporal, using language such as “right now” and “this moment.” Organizational actors perceived the emerging Black Lives Matter movement as having real potential or as being a full-fledged movement.

Others, however, questioned the existence of a movement, insisting nonetheless on the importance of the temporal context. Van Jones, for example, articulated that he did not view the unfolding of urban uprisings or mass protests as evidence of a social movement. When contemplating the movement versus moment question during our interview in early 2015—

72 Interview with Jay Donahue on November 12, 2015 in Oakland, CA.
about six months after the Ferguson uprisings—it was not that he fell squarely on the moment side, but that he did not view the direct actions or public outcry as comprising an organized, strategic political movement at the time. “It’s not a political movement, not in a classical sense,” he told me. He noted that activists “were without a real strategy;” there were no clear goals for changing the law, or building political or institutional power. Jones did, however, recognize the use of direct action tactics as a response to great public attention

*Context: The Progressive Bay Area*

In a 2016 film about the legacy of the Black Panther Party produced by the Oakland Museum of California, Prince White, a Bay Area organizer, expressed, “We have a very unique social justice, organizing culture here. Oakland is almost like an incubator for social justice movements and tactics.” Several respondents representing the advocacy organizations in this study reflected on this sentiment—not just Oakland, but the Bay Area more generally was a hub for progressive politics. Many expressed their views that the Bay Area is politically unique. In particular, some respondents stressed how the progressive nature of local governments enabled more radical tactics. Others pointed to the dense ecology of Bay Area nonprofits, noting the quantity and variation in organizations working on intersecting issues related to racially biased policing. These included organizations focused on racism, discrimination, criminal justice and policing, immigration, and inequality, to name a few.

Speaking to the ways in which local activists had the freedom to engage in direct actions that may not have been permissible in other American locales, Cat Brooks explained:

I mean, I think that people look to Oakland for leadership, right? And so what I think that that means for us in terms of a call-to-action is being principled on our engagements, being thoughtful on our strategies, and being tactical in our actions. And being honest about what works and what didn’t work, and also being honest about the fact that we’re

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73 Interview with Van Jones on January 17, 2015 via telephone.
Brooks recognizes the advantage, or “edge,” from which Bay Area activists benefit. More specifically, she highlights examples of the ways in which radical organizations can exert their power, such as not obtaining official permits for protests or marches without the fear of repression. She also highlighted the freedom Bay Area leaders have to engage in more radical tactics because leadership is not being arrested, or “snatched and grabbed by the cops.”

Another brother was talking about—he was in New York—and he was talking about how the leadership is being snatched and grabbed by the cops out of protest like someone of my name recognition, let’s say. It would be like OPD running up in a rally and snatching me out and taking me to jail. Oakland would be on fire in 30 minutes, be clear. That folks would come pouring out their house and burn this motherfucker down. You could never do that out here. So I think you have to be honest with folks about that too. It’s not our work. It’s the work of our elders that were pushing, the [Black] Panther Party in particular, that pushed the line so far that we’ve got this room to struggle in a very different and direct way.74

Other respondents focused not on the radical nature of Bay Area organizational activity, but on the density of the organizational field. For example, in an interview with Angie Junck and Grisel Ruiz of the Immigrant Legal Resource Center (ILRC), Ruiz reflected on the role of the nonprofit sector:

I mean I think their [nonprofits’] role is really, really—I don’t know how this compares to other states . . . —it’s really, really pronounced in California. The role of nonprofits, for example, in the passage of laws, whether it’s a state bill or whether it’s a local bill you often see if it’s a strong law that protects immigrant rights. You often see strong coalition of nonprofits around this. So it’s just not legislators just working on their own in their

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74 Interview with Cat Brooks on August 26, 2015 in Oakland, CA.
office coming up with these ideas, it’s them working hand-in-hand with nonprofits such as the ILRC. We co-sponsored those five bills last year.\textsuperscript{75}

Junck echoed this sentiment, adding:

We have a strong legal system of nonprofits. It’s the Bay, it’s almost like competitive. That’s the issue; it’s not even about lack of non-profits. It feels like it’s a matter of like who’s stepping on whose toes, who’s claiming what? And then we don’t focus on like underserved areas, where there are no nonprofits whatsoever, [like] in the Central Valley. There are individual organizers but I think they definitely move the agenda. I mean nonprofits are totally controlling the agenda on a lot of these pieces, but I guess what Black Lives Matter is there’s all of these other groups that are kind of coming up that are like officially nonprofits.

In California, I don’t know that’s as much true just because I think there’s been such a strong ecosystem, I think there are more groups emerging but a lot of them, there’s just more resources in California for people to start their own nonprofit. Even formerly incarcerated folks, I’m seeing more groups emerged that they have their own organization. They’re building that infrastructure or they have another organization that houses them. I think it’s probably more common in more rural areas or places that are less funded that they may not have, you know.\textsuperscript{76}

These respondents focus on “strong ecology” and the important role of nonprofits in securing gains through the law and pushing through new legislation. They note the uniqueness of the Bay Area and emphasize the mainstream political and legal channels that the advocacy wing of the nonprofit sector utilizes in addressing racially biased policing in the Bay Area at the local, state, and federal levels.

DISCUSSION / CONCLUSION

This chapter makes the argument that advocacy organizations co-construct the political environment through their interactions with political institutions and politicians, but also through their relational activities with other advocacy organizations, the media, and the public.

\textsuperscript{75} Interview with Grisel Ruiz on February 17, 2016 in San Francisco, CA.
\textsuperscript{76} Interview with Angie Junck on February 17, 2016 in San Francisco, CA.
Organizational actors’ choice to engage in strategic action depends upon their perceptions of political opportunity, which in turn is shaped by an organization’s actions and interactions.

First, this chapter makes the case that political opportunities are relevant as far as organizational actors perceived them. This can take place within or beyond the context of a social movement or contentious politics. Organizational actors perceive some moments as apt for social change, and others as constricted. Broadly, key decision makers in advocacy organizations perceive three crucial moments of activity around the issue of racially biased policing. First, organizations are propelled into action during times of perceived political intensity. During these times, organizations operate largely by responding to the immediate needs and issues in their communities. Strategies are reactive in nature during moments of political intensity. Second, organizations perceive times of political salience. These periods often, but not always, follow political intensity. During moments of perceived political salience, organizations operate more strategically and effect social change through strategic actions targeting specific institutions. Lastly, periods of political lull are stretches of time during which organizations perceive a constricted landscape for achieving social change and consequently pursue less strategic action.

In this chapter I also argue that perceptions of political context vary according to the institutions with which organizations seek to interact or target, as well as organizational actions and interactions with other advocacy organizations in the field. For example, advocacy organizations might perceive that the same moment yields different opportunities or constraints, depending upon how a transformative event affects the institution they are targeting. Similarly, a particular strategy may no longer prove fruitful for a variety of reasons, including the energy and capacity of the individuals carrying out the strategies.
Lastly, this chapter advances the argument that organizations themselves co-construct the landscape of perceived political opportunities or constraints. Moving beyond a critique of political opportunity structure wherein the realm of politics is influenced by organizational activity, this chapter suggests that organizations make decisions about strategic actions based in part on cues they take from other advocacy organizations in their same field. The activity and work of organizations advancing similar political issues can serve as a signal to other advocacy organizations that a particular issue is ripe for action and that a particular institution is open to social change.
Chapter Five: Strategizing Race: National Repertoires of Race and Anti-Racist Tactics

While racism is ubiquitous, conceptions of race vary in decided ways from one context to the next. It follows that anti-racism should also be ubiquitous, but that distinctions in racial ideology (Bonilla-Silva 2014) and cultural repertoires (Lamont et al. 2016; Lamont and Thévenot 2000) of race should shape anti-racism in significant ways. Focusing on the cases of France and the United States, this chapter examines how racial ideology and national cultural repertoires of race shape the tactics of advocacy organizations in their efforts to address racially biased policing.

The United States and France were once framed as stark opposites in their approach to race policy. While the United States was typically portrayed as pursuing race-conscious policies, France has been characterized for its race-blind approach. More recently, however, scholars have suggested greater similarities with regards to laws governing racial discrimination and policies promoting racial equality (Bleich 2004, 2011; Lieberman 2004). In fact, both countries can be described as aspiring to colorblindness as a governing principle for racial equality.

While laws and policies regulating racial discrimination and inequality may be converging on the concept of colorblindness, the institutional contexts remain widely divergent. Important distinctions exist between French and American systems of law enforcement, legal institutions, the fields of advocacy and nonprofit organizations, and political institutions. With regard to racial ideology, the United States embraces race as a relevant and real social category whereas in France race is almost taboo—it is not a prominent category used to understand society.

Given the divergent racial ideologies and different institutional milieus, why do organizations addressing the issue of racially biased policing deploy nearly identical tactics? To
answer this question, I analyze four different anti-racist tactics used by advocacy organizations in both the United States and France. Two of these tactics, protests and policy governing police practices, do not require the explicit use of race; they are race-neutral tactics. Two of the tactics, the collection of racial data and strategic litigation against racial discrimination, require the recognition of racial categories; these tactics are race-conscious. Despite the fact the recent studies suggest an increasing importance of racial discourse and racialized identities in France (Lamont and Duvoux 2014), my findings suggest that in France, advocates downplay and extract race from race-based tactics. Conversely, in the United States advocates emphasize and infuse race even into seemingly race-neutral tactics, which then forces advocates and state actors alike to engage in racial projects (Omi and Winant 2015).

In this chapter, I argue that French and American advocates draw on different cultural repertoires of race when using the same tactics. I argue that race, as master category in the United States (Omi and Winant 2015), is more ubiquitous and its usage goes unchallenged. American advocates infuse race into actions that need not be organized around racial categories or logics. Conversely, in France, a reluctant cultural repertoire of race constricts the language of race and practices that may be construed as racializing, even in anti-racist efforts. As Bleich (2004) has argued, the French engage in anti-racism without races. Even when employing tactics that seem to necessitate the recognition of race, French advocates remove racial language and limit engagement in practices of racialization.

THEORETICAL MOTIVATION

Racial Ideology and Cultural Repertoires of Race

All anti-racist advocates and activists bring a vision of what ought to be within the confines of a particular context’s racial ideology. Just as in France, in the United States anti-
racist advocates strategized to address racially biased policing under two distinct racial ideologies which are historically, politically, and socially specific. A racial ideology is a relatively coherent system of ideas and ideals governing racial categories and hierarchies.

In the United States, race is a master category (Omi and Winant 2015). It is a central institution with profound effects on the “history, polity, economic structure and culture of the United States” (Omi and Winant 2015:106). America’s racial ideology has been aptly described as constituting a “laissez-faire” form of racism (Bobo, Kluegel and Smith 1997), or racism that relies upon a market logic and negative stereotypes to blame African Americans for their own disadvantage. Coupled with this racial ideology is the concept of colorblindness, which Bonilla-Silva (2014) argues is compatible with the tenets of laissez-faire racism. Bonilla-Silva theorizes the conception of a color-blind ideology as “contemporary racial inequality as the outcome of nonracial dynamics” (2).

Beyond the omission of racial structures and processes in explanations of racial inequality, color-blindness has been a central principle of American law and policy. It is an ideology that at once recognizes race as a social construct, and simultaneously disregards its social consequences (Obasogie 2014). As such, it is used to justify the dismantling government policies, laws, or distribution of resources seen as advantaging any race over another—even as a remedy for past racism (Haney López 2014; Obasogie 2014). And despite these racial ideologies, which purport to reflect the unimportance of race in the United States, Americans—even scientists—largely understand race as biological (Morning 2011) and are hyper aware of racial categories and their symbolic and stereotypical meanings.

In France, race is not as salient a social category. Debates about identity and belonging in France are more deeply rooted in concerns over immigrant status, religion, and culture than in
racial ideology (Beriss 2004; Brubaker 1992). Indeed, this seemingly absent racial ideology informs state policy, which is officially race-neutral or color-blind (Bleich 2004). There are no race-based government policies to undo in France. The French brand of color-blindness is more rigid and enshrined, both in ideology and institutions (Lieberman 2004).

While ideologies offer a coherent set of ideas, rarely do social actors express ideologies in their full complexity. Similarly, it is difficult to demarcate the boundaries of what does or does not fall within a given ideology (Polletta 2006). Moreover, understanding precisely how ideology influences action is fuzzy. Rather than attempt to trace systematic expressions of the French and American national ideologies of race and presume a causal relationship to action, this chapter examines the tactics of a subsample of organizations in order to see how race is articulated through strategic anti-racist tactics.

To examine these articulations, I employ the concept of national cultural repertoires of race. Swidler (1986) has famously theorized social actors as drawing from a cultural repertoire or toolkit of possible actions. Building on Lamont and Thévenot’s (2000) definition of national cultural repertoires of evaluation, or “the cultural tools that are unevenly available across situations and national contexts” (1), this chapter focuses on cultural repertoires of race. I employ the concept of cultural repertoires of race to refer to the shared symbols of race ((discursive, visual, or other) that are, like race, historically contingent and socially specific, and/or representative of a national racial ideology. I examine the manifestations of these cultural repertoires of race in the actions of organizational advocates and activists. By examining a range of tactics used by organizational actors, we can distill how they draw from the repertoire of expressions of race available through distinct racial ideologies.

Race Policy and Anti-Racism in France and the United States
In examining the cultural repertoires of race employed by organizations, this study enters the conversation about targeted versus universal approaches to addressing racial inequities. The conventional terms of the debate about whether to pursue race-targeted or universal policies in the American context focus on levels of public support. Particularly with respect to poverty and educational programs, scholars have demonstrated that universal or color-blind policies will garner greater public support than targeted or race-based policy proposals (Wilson 1983, 1987).

In the French context, class-based rather than race-based policies are the norm (see for example Sabbagh 2004, 2007, 2012). France’s reluctant racial ideology—race is not a strong or salient social category—restricts the realm of policy. To be sure, public support for policies privileging racial groups would receive dismal support in France. However, unlike in the United States, the driving force behind low support is rooted in the country’s racial ideology—a fundamental reluctance to recognize minorities as distinct racial groups who deserve special privileges. It is not based in a racist approach to policies. This chapter offers an intervention into the analysis of universal versus race-based policy by offering a cultural lens through cross-national analysis. By comparing the race-based and race-blind tactics of anti-racist organizations, I argue that in addition to questions of how racism affects support, we can understand the choice to implement race-blind tactics, for example, as the result of the constraints of a more a narrow cultural repertoire of race.

In addition, it should be noted that while many studies focus on universal or targeted, race-based or race-blind policies, this chapter focuses on organizational tactics. Less attention has been paid to the ways in which race-conscious or color-blind advocacy and organizing tactics have been implemented in service of race-focused issues. This chapter examines how, even in the attempt to address the highly racialized issue of racially biased policing, actors draw on race-
based as well as race-blind tactics. An attention to tactics enables us to examine the ways in which social actors who actively support measures and interventions that would benefit minorities and reduce discrimination and stigmatization, nonetheless draw on nonracial messages that frame their tactics and race-blind tactics to achieve a reduction in racism.

A Loose Coupling of Anti-Racist Ideas and Action

As noted above, not-for-profit organizations engage in both race-blind and race-based tactics to address the issue of racially biased policing. In order to assess how organizational actors strategically draw on different national repertoires of race, I compare strikingly similar tactics in the two countries: protests, policy efforts, racial statistics, and litigation. Advocacy organizations in the two countries draw on a nearly identical repertoire of anti-racist strategic actions. However, as I will demonstrate, these strategic actions are loosely coupled with racial ideologies.

Swidler (1986) has argued that in settled periods, ideologies are loosely coupled with action. That is, it is difficult to trace how culture informs action because individuals choose from a repertoire of possibilities. In this case, what is observed is a variety of strategic actions being selected from a hegemonic repertoire of possibilities for political engagement, from the repertoires of contention (Tarrow 1998; Tilly 1978) and mainstream political activity. Yet, though these social actors utilize dominant models for strategic action and confront similar practices of abuse by law enforcement against minority populations, they draw on different national theories of race.

RACE-BLIND TACTICS

Protest Politics
Protests and marches are political practices beyond the scope of mainstream political institutions and employed across a wide range of domains. Indeed, individuals take to the streets to publicly demonstrate their support for or criticisms of a gapingly wide range of policies and political issues. From climate change to marriage equality, police brutality to net neutrality, protest politics are a mainstay of the repertoire of nontraditional political tactics. As such, this tactic need not involve race. On its own, this particular tactic is race-blind.

When social actors do march over questions of racism or discrimination, though, the orchestration of the planned protest can be adapted to racial logics of the context. I observed several protests and marches against racism in France and the United States during my fieldwork. Below I analyze telling examples to demonstrate the extent to which a shared tactic can be manipulated to resonate with the national cultural ideologies and practices of race. As I demonstrate below, American advocates infused race into this race-blind tactic while French advocates emphasized inequity without mentioning race.

United States. Marches and protests are certainly not political tactics that require the recognition or use of race as an organizing logic. Marches have been used for generations to apply political pressure and to draw public attention to or support for a range of issues without the explicit use of race. In a word, marches are race-blind, a universal tactic. However, anti-racist organizational actors and activists in the Bay Area chose to organize the Millions March event in Oakland around race. They infused race into this otherwise race-blind tactic, therefore manipulating a universal tactic into a targeted, race-based political tactic.
On a balmy winter afternoon in 2014, I made my way to downtown Oakland, CA to observe and participate in the march organized by the Movement for Black Lives. The march was to begin at Frank Ogawa Plaza, the site of Oakland’s city hall and municipal buildings. Locally, Frank Ogawa Plaza is also known to many anti-racist activists and Oakland dwellers as “Oscar Grant Plaza,” in memory of the young African-American man killed by the Bay Area Rapid Transit police at Fruitvale Station in East Oakland on January 1, 2009, who was memorialized in the critically acclaimed film Fruitvale Station. The event’s Facebook “event” site invited participants to convene at Oscar Grant Plaza at 2 PM in solidarity with marchers around the country. These marches would take place in cities across the United States. “This is happening in New York, DC, and San Francisco,” the Facebook flyer read. This flyer was created by San Francisco native, Etecia Brown, who was living in NYC at the time, knew about the march occurring in NYC, and wanted to coordinate actions in the Bay Area.

While the nationwide event’s name, “Millions March,” made no reference to race, the online flyer for the Oakland march drew explicit attention to race. Beyond the allusion to race in naming Oscar Grant Plaza as the meeting location, the flyer included the popular social media hashtag #blacklivesmatter. More significantly, the Millions March Oakland organizers wrote:

**This is a safe space for the Black Community to come together in solidarity. Can anyone deny that we need to come together? So thank you allies and friends, we appreciate all your support that holds us up and encircles us in peace as we come to hold each other up.**

77 The Movement for Black Lives is used to describe a range of organizations, activists, and allies working to confront racially biased policing, including excessive force and lethal force used disproportionately against people of color. The Movement for Black Lives is not synonymous with Black Lives Matter, which is the name of a specific, chapter-based social movement organization founded by Alicia Garza, Patrisse Cullors, and Opal Tometi.

78 Interview with Etecia Brown on October 21, 2016 in San Francisco, CA.

79 Facebook event page for the Millions March Oakland, https://www.facebook.com/events/858052834217501/
The event organizers drew explicit attention to this event being a “safe space” for African Americans. Additionally, they thanked “allies and friends,” namely individuals who were not of the racial in-group. The event was not just nominally organized around race, however. The event included what I term “racial ground rules,” or expectations of behavior delineated along racial lines.

As I entered Frank Ogawa Plaza, I came upon a colorful sea of faces. This was an interracial march. Present were elderly marchers, people in wheelchairs, children of all ages, babies in strollers, and men and women of diverse ethnoracial backgrounds. I ran into a Japanese-American friend from graduate school, a white, Jewish woman with whom I had gone to summer camp in the 1990s, and a Haitian-American woman with whom I had attended both high school and college. I saw signs that read “Asians 4 Black Lives” and protesters appeared to represent the full diversity of the Bay Area.

We were nearing the 2 PM start time of the march, so I advanced southeastward from the Plaza to the corner of 14th Street and Broadway. On the corner I noticed a woman on a megaphone instructing the crowd. At first, I could not make out what the woman, whom I would later learn was Cat Brooks—founder of Onyx, the Anti-Police Terror Project, and an active member of the Bay Area chapter of Black Lives Matter—was charismatically imploring of the protesters. I soon realized that Brooks was instructing people of color to lead the march by standing in the front of the procession. She told whites to follow all people of color and march behind them. The march’s organizers were quite literally segregating the protesters along racial lines, inviting people of color toward the front and telling whites to march in the back.

When I asked Etecia Brown about the impetus for organizing the march, she recalled the near nightly marches against police brutality at the time; Brown expressed her concern over how
protests had been “infiltrated with white anarchists” who engaged in “window-busting and agitating the police.” These masked white anarchists caused harm to black protestors because, in her view, once the anarchists engaged in property damage they would flee, leaving black and brown protestors vulnerable to law enforcement’s violent responses. “There should be a place where everyone can gather and express their grief. Yes, rage is important,” she told me, “but I think for me because of how I was feeling I thought more people must be feeling this way. It’s sad.” For Brown, black people needed a safe and healing space. As such, a racial logic for organizing the march was central to her vision. “For both spaces, in San Francisco . . . and Oakland . . . it was important to make it a black space. So we talked about making sure that black people were in the front and making sure that black people were visible on the steps and things like that,” she explained.

This vision was executed through instruction. I witnessed more teaching and direction for racial etiquette at this march. While Brooks announced the directions or racial ground rules for how to behave at the beginning of the march, she held up a hand-written poster, blue marker on white poster-board. The sign read:

RULES FOR WHITES
NO MEGAPHONE
• FOLLOW BLACK LEADERSHIP
• NO “CAN’T BREATHE”
• NO “HANDS UP”
• MEDIA ➔ BLACK LEADERSHIP

Not only was this march to be racially segregated but there were different expectations of how white marchers and marchers of color should comport themselves. She announced over the megaphone, “If you are white, do not get on the megaphone! Today only black people will

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80 Interview with Etcia Brown on October 21, 2016 in San Francisco, CA.
81 See Image 1.
She justified her demands and stated that too often people of color are silenced by their allies and that on that day, black folks and people of color would be the voice of the movement. A young white boy sitting on his father’s shoulders slightly to my right asked his father why she was making these rules. The father turned his head away from me and towards his son to respond; I could not hear his explanation, but this interaction was yet another example of how the expectations of racial etiquette were being explained and socialized.

Once we arrived at the Alameda County courthouse facing Lake Merritt, additional racial ground rules were conveyed. This time, Brooks invited people of color to join the organizers, poets, and speakers on the grand steps of the courthouse. In contrast, white participants were told to stay back and face the steps as an audience would a stage. The steps were not large enough to accommodate all of the people of color who had marched from the Plaza. Standing on one of the lower steps, I looked to my left and right, noticing that indeed, marchers had heeded the instructions of Brooks. No whites violated the racial ground rules; they remained facing the steps alongside many people of color who could not fit onto the courthouse steps.

I did observe one white man breach the march’s racial contract; he shouted into a megaphone in the middle of the march. Otherwise, by and large, I observed a crowd that obeyed the racial ground rules. White and black protesters marched separately, I only saw people of color on the courthouse steps, and with one exception, I did not observe any other whites speaking on the megaphone.

The Millions March was an extreme case. I attended other marches in San Francisco, Oakland, and Sacramento that were not physically organized along racial lines, and did not place unique behavioral expectations on members of different racial groups. However, the Millions

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82 From field notes, recorded on December 13, 2014.
March demonstrates the significant role race is allowed to play in an otherwise race-blind political tactic. The absence of a challenge to infusing race into a race-blind tactic highlights how race is taken for granted as a salient and real social category in the United States. This explicit organization of a march around a logic of race never occurred during my fieldwork in France.

*France.* France takes a very different approach to protest politics when it comes to the use of race. My observations at a march against racism in Paris just the winter before Millions March Oakland provides a keen insight into the distinctions in repertoires of race. While American anti-racist advocates infuse race into this race-blind tactic, French anti-racists work hard to maintain the race-blindness.

The “March Against Racism” was organized by several of the larger, French nonprofit organizations included in this study: the *Ligue des Droits de l'Homme* (LDH),83 *Ligue International Contre le Racisme et l’Antisémitisme* (LICRA),84 and *SOS Racisme*. It was late November 2013. The march came on the heels of racist remarks and actions that had recently targeted France’s black, female Minister of Justice, Christiane Taubira. Leading up to the march I volunteered in *SOS Racisme’s* Paris headquarters on Avenue de Flandre in the 19th arrondissement. *SOS Racisme* originated as a youth organization protesting the lack of equal treatment and opportunities available to second-generation Maghrebians in the 1980s, but has been accused of not actually championing racial justice causes and becoming a puppet of the Socialist Party (Juhem 1998, 2001; Malik 1990). As the organization’s leaders busied themselves with coordinating and planning, moving in and out of the small offices located off the dank central meeting room, I sat around a large meeting table with other volunteers cutting outlines of

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83 The Human Rights League
84 The International League against Racism and Anti-Semitism
hands on yellow paper that read “Don’t touch my buddy” (Touche pas à mon pote). This somewhat paternalistic slogan denotes white allies’ protection of their minority friends.

Many different groups were present at the march: nonprofits, trade unions, informal collectives, and individuals. Each group marched together with their banners, signs, and posters: SOS Racisme with their yellow paper hands, the unions with their big floats, the collective of immigrants “without papers” (sans papiers) with their long banner. The march grouped together a diverse crowd of protesters. Unlike the U.S. march described above, this march was not physically organized around racial or ethnic lines. People of all hues marched alongside one another. At one point as we marched in front of the Bataclan, now famous for the tragic attacks in November 2015, I spotted a peculiar poster floating among the colorful sea of posters with the LICRA logo. On the poster were four skin-tone colored squares arranged in a horizontal, pale peach on the left becoming progressively darker to a deep chocolate on the right. Under the lightest square read, “1 police stop per year.” The second to lightest was labeled “25 police stops per year.” Under the second from the darkest square was written, “52 police stops per year.” And the beneath darkest square, “117 police stops per year.” This poster was referencing racial profiling, highlighting the disparities but rather than stratifying by race, LICRA’s poster stratified by skin color. Racial language was completely absent.

At the time of the protest I found this poster curious, not only because of the explicit absence of race, but because I wondered how these numbers had been calculated. After the protest I was able to locate an image of the poster. Upon closer inspection, I noticed a disclaimer typed in fine print in the upper left corner. It read, “The figures listed illustrate a trend, and are not actual statistics.” In other words, these numbers were made up. In fact, the correlation listed

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85 See Image 2.
between skin tone and number of police stops did not reflect the research on police stops in France, which shows that Arabs are roughly eight times more likely than whites to be stopped by the police while blacks are only six times more likely than whites to be stopped by the police (Open Society 2009).

While the protest organized to address racism was certainly not physically orchestrated around any logic of racial categories, some marchers—in this example, those associated with the organization LICRA—went above and beyond to keep mentions of race or ethnicity out of the protest against racism. France’s reluctance to utilize racial categories even when they are denouncing racism reflects the country’s racial ideology of reluctance, which questions the validity of race as a social category.

*Policy Proposals*

During the time of my fieldwork, both French and American advocates were actively pursuing policies aimed at reducing racial profiling by law enforcement. In the United States, advocates worked at the state-level to get new policies passed, which would affect all state and local law enforcement agencies. Advocates in France aimed their policy efforts at the national level, which would shape the practices of all police officers across France. In both countries, procedural changes were proposed to curb racial profiling. In both countries, discussions of police body cameras were important, as were discussions of police training. However, the policy push that received the most attention in both countries concerned the ability to document police interactions. Such a policy need not be race-based. While studies show that a variety of public policies garner wider public support when they are universal (Wilson 1987), advocates in California pursued a bill that infused race when it could have remained race-blind. Conversely, French advocates pursued a race-blind policy that did not require the explicit use of racial
categories or language. In California, the proposed bill took the form of collecting detailed information—including the race or ethnicity—for all police stops. Conversely, in France, the proposal took the form of a stop-form or stop receipt provided to all individuals stopped by the police. This receipt would include no racial or ethnic identifiers.

*United States.* Crafting policies to curb racial bias in law enforcement was a central goal of many organizational actors. In fact, during the time of my data collection in the Bay Area, a coalition of advocacy organizations pushed for the passage of California Assembly Bill 953, AB-953, commonly referred to as the Racial and Identity Profiling Bill. Champions of the bill did not expect it to be signed into law; Governor Jerry Brown had promised a veto. And yet, somehow the bill succeeded. For the first time in the United States, this bill would require all enforcement agencies in a specific state to collect racial data on police stops. The goal of American advocates was to introduce regulation to police practices in order to reduce the occurrence of racial profiling. To do so, the proposed bill highlighted race, and in fact, required law enforcement officers to do race work on the part of the state. That is, they would now be required to label and categorize each person stopped.

On a sunny California fall morning I drove from the Bay Area two hours east to Sacramento. I went to observe a march in support of the Racial Profiling and Identity Bill. Two months prior I had had foot surgery so I was walking slowly with a cane. I trailed towards the back of the crowd, which had started a local church and marched to the state’s Capitol building in Sacramento. The march culminated with speakers of different backgrounds from across the state who pledged their commitment to the bill’s passage and protesters who occupied an entire wing of the capitol building in front of Governor’s Brown’s office. After this dramatic display of public support for the bill I met with Chaunceee Smith at a local eatery. At the time of data
collection, Smith was the lead lobbyist for policing legislation at the ACLU’s Center for Advocacy and Policy in Sacramento. Smith explained the bill’s sponsorship. He noted that there was a core group of organizations and many additional coalition member organizations who “support the bill but [they] don’t make any decisions and [they] are there for support and to help out as much as your capacity will allow but you’re not going to be responsible for anything.”

When I asked him to elaborate on who the ACLU’s partners were, he calmly stated, “everybody.” He then elaborated:

ACLU California, PICO California, Asian Americans Advancing Justice, Youth Justice Coalition out of LA, Reform California which is a Jewish faith based organization. PICO is also faith based, but it’s Christian. Reform California is like a moderate progressive Jewish faith-based org and Dignity and Power Now which is out of L.A. and they’re more of a newer social justice organization affiliated with Black Lives Matter. And then outside of that there’s over a hundred coalition members which is—if you name a social justice or left leaning organization they probably support the bill. Like NAACP, Ella Baker Center, Equal Justice Society, MALDEF, everybody.

The organizations mentioned by Smith cover the full range from the large, bureaucratic advocacy nonprofit to the more radical, grassroots movement organizations. While Smith noted the variation in terms of the resources and areas of expertise contributed by organizations, there was no dispute over questions of how race should be framed or discussed, the role or importance of race, or the utility in collecting racial data. The question of whether or not the collection of racialized data reifies race was never raised by American anti-racist advocates across the spectrum from radical to mainstream. As a master category (Omi and Winant 2015), race is not a disputed social category in the United States; it is widely accepted and there is high consensus on its role in social justice efforts. As such, the available ways to convey race through political tactic or policy are both broad and undisputed.

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86 Interview with Chauncee Smith on September 2, 2015 in Sacramento, CA.
87 Ibid.
When explaining how the bill was developed, Smith explained that organizations contribute based on their resources and areas of expertise. He remarked, “it’s a collaborative process. Since we [the ACLU] are the main organization with legal expertise, we draft with the common drafters.” Officially, California Assemblymember Dr. Shirley Weber drafted the bill with significant input from the sponsoring organizations. Smith confirmed that due to the sponsor organizations’ areas of expertise, Dr. Weber was very responsive to their input for the bill. Smith’s delineation of the process lacked any mention of debate around the usefulness or goals of collecting racial data.

The final version of the bill, which passed as the Racial and Identity Profiling Act of 2015, amended two main aspects of the penal code. First, all state and local law enforcement agencies were now obligated to provide new training about racial profiling for all officers. Second, these agencies were also now required to record detailed information about all pedestrian and vehicle stops, including the perceived race of the individual. Departments were now required to publish regular reports on these data as well. Additionally, the bill required the establishment of an advisory board at the state level, which will review the reports of the various agencies.

Beyond these changes to police training and practice, the law extends the legal framework of racial profiling. The legislation reads:

This bill would enact the Racial Profiling and Identity Profiling Act of 2015, which would, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a confirming change to the prohibition of peace officers engaging in that practice.\(^88\)

On the one hand, this bill requires the active collection and recognition of racialized identities of those individuals stopped by law enforcement, thereby forcing the state to engage in race work.

\(^88\) California Assembly Bill No. 953, Chapter 466.
On the other hand, this bill extends the legal framework from one focused solely on
discrimination based on race to discrimination based on other identity-related markers. The new
law specifies that “racial” refers to race or ethnicity, and taken together “racial or identity
profiling” constitutes:

. . . the consideration of, or reliance on, to any degree, actual or perceived race, color,
ethnicity, national origin, age, religion, gender identity or expression, sexual orientation,
or mental or physical disability in deciding which persons to subject to a stop or in
deciding upon the scope or substance of law enforcement activities following a stop,
except that an office may consider or rely on characteristics listed in a specific suspect
description.89

American organizational advocates who pushed for this bill effectively expanded the definition
of racial profiling. While the conception of race in and of itself may not have changed
drastically, the legal framework for the colloquially referred to racial profiling now includes
categories such as religion, gender, and sexual orientation.

France. Like in the United States, a broad range of French organizational actors
collaborated in developing policy proposals to address racial profiling. However, French
advocates proposed a very different approach to regulating the police—their policy proposal did
not require the state to engage in race work. Rather than collecting and compiling data on the
race of those stopped, organizational actors in France proposed the use of a récépissé—a stop-
form, stop-ticket, or stop-receipt—by law enforcement. This receipt would be issued by the
police to those stopped as evidence for their interaction with the police.

The conversation around the implementation of a stop-receipt was not confined to the
world of not-for-profit, advocacy organizations. In fact, on October 12, 2009 a state entity, the
Defender of Rights, held a day-long international seminar on the question of identity profiling
and police-public relations. Representatives from France, the United Kingdom, the United States,

89 California Assembly Bill No. 953, Chapter 466.
Canada, Spain, Bulgaria, the Netherlands, Ireland, and Belgium attended. In addition to law enforcement officials, political figures, and representatives from state agencies, many actors from advocacy organizations were invited to participate. Representatives from the different countries shared best practices and success stories related to curbing racial profiling.

In addition to the presentation, many documents were shared that day. Among the files distributed to the seminar participants that day were copies of stop forms used by law enforcements agencies in New York City, London, and Fuenlabrada, Spain. This forum facilitated the transmission of local law enforcement practices, as described by government officials and law enforcement agencies, to government officials, law enforcement officers, organizational advocates and activists. Bernadette Hétier of the organization *Mouvement contre le Racisme et pour l’Amitié entre les Peuples* (MRAP)\(^{90}\) expressed her approval of the stop forms in part due to the success law enforcement agencies had had with them internationally. She explained, “Our neighbors are doing this and it is working well. I’m thinking of two cases in particular, Spain and England. Identity profiling may occur; police officers provide the person stopped with a paper on which is written the date and time, the name or badge number; this is called a stop receipt.”\(^{91}\) Flore Ganon of *SOS Racisme* was also present at this international conference. She was very enthusiastic about the effectiveness of stop forms due to the documented success of law enforcement agencies in other countries. She asserted:

> The first signal, even if it alone is not enough [to end racial profiling], would be instituting stop tickets. There has been a great deal of work by the Defender of Rights, which has been transmitted to government officials. In theory, the President of the Republic would, at the very least, like to implement stop tickets in test cities. Undoubtedly it will work out well, and everyone will be happy. However, the work is to convince the police unions, and that will be difficult because it was part of President Hollande’s campaign promises. This promise was abandoned in September or July . . . He

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\(^{90}\) Movement against Racism and for Friendship between Peoples  
\(^{91}\) Interview with Bernadette Hétier on February 17, 2014 in Paris, France.
was elected in May and it was abandoned very quickly because Manuel Valls, who was the Minister of the Interior at the time, opened the debate saying it was curious. [Then] the police unions starting moaning, and so they didn’t do it. Not all, but most of the police unions are on the right. 92

While enthusiastic about the effectiveness the stop forms, Ganon was not alone in her concern about the opposition to the proposal.

Some organizational actors were hesitant, not about broad opposition by police unions per se, but about the need to adapt forms to French law. As such, other countries’ stop-forms were not embraced in their entirety by French advocates and activists. In an interview with Tara Dickman of the coalition *Stop le Contrôle au Faciès*, 93 Dickman explained that different sample stop-forms were being shown to law enforcement officials in France. She noted that those developed by the American organization, Open Society Justice Initiative, could not work in France. Specifically, “It doesn’t take into account the needs of the police. It doesn’t take into account the French need from anonymity of the data—data protection,” she explained. 94 She continued, “It has racial and ethnic data on it, which is impossible in French law today, so it would already be controversial but . . . In France, police and racial data, it’s just not going to happen, not anytime soon.”

The French approach to a stop receipt holds that anyone stopped by law enforcement would receive a paper receipt to show proof that they had been stopped. If they were stopped by multiple officers in a given day (or a given time period) they could provide evidence that they had already been stopped and, presumably, permitted to pass. Alternatively, if they were routinely stopped they would have evidence to submit an official complaint or file a lawsuit.

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92 Interview with Flore Ganon on April 14, 2104 in Paris, France.
93 Stop Racial Profiling
94 Interview with Tara Dickman on May 9, 2014 in Paris, France.
alleging racial profiling. *Stop le Contrôle au Faciès* had sample stop-forms printed\(^95\) to present to police unions and other opponents, and elevate their cause; they also created an accompanying explanation sheet with a legend to explain each component of the stop form. The sample stop-form includes an original copy kept by the police, and a pink carbon copy for the individual stopped. On the receipt, the officer carrying out the identity check records information about the individual stopped including year of birth; sex; name of street, zip code, and city; type of identification presented; date, time, and location of the stop; legal code under which identity check was carried out; badge number of the officer conducting the stop; the motive or reason for suspicion; and the procedures and outcomes of the stop. There is also space for individuals stopped to write in observations or complaints pertaining to the stop and to provide their signature. Significantly, the receipts are anonymous. Only on the carbon copies is there a space for those stopped to input their names. In addition to the absence of names, no date of birth is recorded, no specific address is recorded, and no race or ethnicity is recorded.

The decision to adopt the use of stop-forms has yet to be passed into law. Most recently, in a meeting with Dickman, she explained the enduring stasis around stop receipts.\(^96\) She lamented that the efforts of the coalition she had launched, *Stop le Contrôle au Faciès*, was at a bit of a standstill, and that organizers and leaders were regrouping. Leadership changes in the coalition had stalled progress on legislation for a stop-receipt.

She also pointed out that since a series of terrorist attacks in Paris in January and November of 2015, and then in Nice on Bastille Day in 2016, advocacy organizations and activists found themselves working within a “police state.” Following the attacks, the French Parliament has voted to raise France’s national security to a state of emergency. The state of

\(^95\) See Image 3.
\(^96\) Meeting with Tara Dickman on October 31, 2016 in San Francisco, CA.
emergency has been renewed several times, most recently in December 2016, when Parliament voted to extend the state of emergency so that it would remain in effect through the 2017 presidential elections. The police had extended their power. Under the state of emergency, police are permitted to search premises without a warrant and place people on house arrest without due process. Dickman noted that some activists have been placed on house arrest, which exemplifies how activist work that challenges policing is especially difficult in this moment.

Due to these external conditions and the departure of key leadership within the organization, decisions on what steps to take next strategy-wise were yet to be determined. These organizational dynamics have adversely affected the passage of a stop-form at the policy level. Tara noted that very recently a bill for a stop-receipt was on the floor of the French Parliament; although that bill did not pass, much significance can be noted here. According to Dickman, the bill not passing was in large part due to the inaction of advocates and activists, including those at Stop le Contrôle au Faciès. She disappointedly asserted that when it came time to discuss the bill in Parliament, the police unions were present to discount the merits of the bill and the policy’s proponents did not show. Elected officials called her, she informed me, to ask why no one was present to defend the legislation. With the one-sided lobbying against the policy proposal, no stop-forms were adopted.

In these two tactics described above, organizational activists and advocates in the United States infused race into tactics that could have very well remained race-neutral. In both protest politics and policy design, race was not simply used nominally, but implemented as an organizing principle eliciting particular actions. A racial logic forced protestors to move and act in particular ways, and the Racial Profiling Act proscribed new race work on the part of state...
actors. Conversely, in France, the mention of race was glaringly absent from activities aimed at reducing racism towards particular groups.

RACE-BASED TACTICS

*Strategic Litigation*

Strategic litigation was an important race-based tactic used by both American and French advocates. In the United States, litigation is an important component of redefining the law under the common law system. As such, advocates saw the law as an important vehicle through which to reform racially biased policing through jurisprudence as well as a tactic for garnering public support of their cause. The explicit use of racialized language and categories was central to these advocates’ approach to articulating racist practices and setting a legal agenda. Operating under the civil law system, litigation is both a less effective tool to change the law and important for swaying public opinion in France. French advocates were far more reluctant about using explicit racial terms and categories than their American counterparts. French silence around race effectively extracted race from the race-based tactic of using the law.

*United States.* Strategic litigation has always been an important component of the civil rights strategy to dismantle racial oppression in the United States. From the Dred Scott Supreme Court case in the mid-nineteenth century—which denied African Americans citizenship status—onwards, racial justice advocates have engaged the courts to fight for racial justice. Many of the American advocacy organizations used a variety of legal tactics in their efforts to address racially biased policing. For these organizations, racialized language and explicit acknowledgement of the validity of race as a social category was the norm.

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97 Dred Scott v. Sanford 60 U.S. 393 (1856)
Of the many American organizations pursuing a legal strategy,98 the American Civil Liberties Union (ACLU) is the most widely recognized for its legal work around various issues pertaining to civil rights. Racial bias and policing is an important area of work for the ACLU of Northern California (ACLU-NC) as well as the ACLU National. In 1998, a team of lawyers and strategists from across the country met to discuss how best to address the problem of mass incarceration. Present that day were Michelle Alexander, head of the ACLU-NC’s Racial Justice Project at the time and author of *The New Jim Crow*; Eva Paterson, renowned civil rights attorney and co-founder and director of the Equal Justice Society; Brad Seligman, founder of the Impact Fund and important class action litigator well-known most recently for the gender discrimination Walmart Supreme Court; Elaine Elinson, author, communications consultant, and former director of communications at the ACLU-NC; and John Crew, attorney and former director of the Police Practices Project at the ACLU-NC, among others. Those convened ultimately decided that the most effective way to address racial disparities in the criminal justice system more broadly was to focus on the initial point of contact with law enforcement. They decided to mount a fight against racial profiling.

Prior to this meeting, however, various chapters of the ACLU were engaged in litigation against law enforcement for racial bias. In an interview with Reggie Shuford, an attorney with the ACLU’s national office who had served as either co-counsel or consultant on various racial bias cases in the 1990s, he explained that litigation was the organization’s primary strategy to

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98 While this chapter is centrally concerned with tactics, here I employ the term strategy to indicate the legal framework and logic behind the racial profiling cases. This is not to be confused with the broad legal strategy described in Chapter Three, which encompasses many legal tactics, impact litigation being one of them. The choice to use the term “strategy” here reflects the respondents’ use of the term, and also the convention in the law to discuss the legal basis for building a case as a legal strategy.
target racial profiling in the early days.\textsuperscript{99} As the organization’s resident expert, he noted that he was very aware that the problem of racially biased policing was a “national phenomenon.”

Given the heavy representation of lawyers at this convening, it was perhaps not surprising that the event privileged a legal strategy. But as several respondents explained to me, the campaign was innovative for the ACLU in that it would be multipronged. Out of the 1998 meeting, the Driving While Black and Brown (DWB) campaign in California was born. In a document summarizing the decisions and legal approach of the roundtable noted, “The roundtable concluded that civil class action litigation alleging racial profiling by police avoided many legal obstacles presented by other types of claims and could be the most effective means to eliminate discriminatory practices in the criminal justice system” (Seligman, Soria and Brook 1998).

Based on a legal strategy as a central weapon, the campaign used race explicitly. The name of the campaign alone highlights how American legal advocates sought to frame the issue and the legal case in explicit racialized terms. Perhaps most notably, the campaign used explicitly racial language of “black and brown.” Playing on the crime of “Driving While Intoxicated” (DWI), the campaign name, DWB, emphasized the criminality inherent in being an African-American or Latino motorist. Notably, while current efforts aimed at racially biased policing in the United States use language focusing on the disproportionate stops, searches, harassment, abuse, and killings of black Americans, this campaign targeted the racism aimed at both African Americans and Latinos. While the term “black” is a term widely used across the United States, “brown” has a unique history— in the Californian context, this term helped localize the racialization of Latino motorists. The term “brown” nods to California’s history of

\textsuperscript{99} Interview with Reggie Shuford on March 17, 2015 via video call.
Chicanos and Brown Berets, a movement that sought to combat racism and discrimination and celebrated racialized Mexican Americans in the state (Haney Lopez 2003). The ACLU-NC drew on explicit racial terms that were both locally and nationally relevant to frame their campaign.

The ACLU, however, is not the only organization for whom explicit use of race is central to their legal strategy. For example, the National Lawyers Guild (NLG), a nationally recognized bar association, explicitly acknowledges its racial present and past. Carlos Villarreal recounted in an interview:

We like to brag it was the first integrated bar association. The American Bar Association wasn’t integrated. They didn’t allow African-American members. They didn’t allow Jewish members at the time, but some people say there was actually a black legal organization that had like a couple of white members. But we were nonetheless a very early integrated bar association.100

Villarreal’s testimony places the founding of the NLG in historical context of racism and explains how this organization is rooted in an explicit acknowledgement of racial difference, access, and integration. I asked Villarreal if the organization had an explicit statement on race, and he directed me to the “Alabama Manifesto” of The United People of Color Caucus (TUPOCC), a subgroup within NLG. According to TUPOCC’s “Alabama Manifesto,” membership is restricted to National Lawyers Guild members of color, though whites “are invited to work with and support TUPOCC as allies in the pursuit of true justice.” In addition, the “Alabama Manifesto” outlines the Caucus’s mission to privilege the experiences and perspectives of people of color by promoting leadership of color within NLG and meeting regularly with people of color in order to craft an agenda that takes seriously their most pressing legal issues.

100 Interview with Carlos Villarreal on September 23, 2015 in San Francisco, CA.
Similarly, Advancing Justice/Asian Law Caucus (ALC) uses clear racial language and categories in their efforts to pursue legal justice. This organization focuses on the legal issues facing Asian Americans. Nasrina Bargzie explained:

We tried to work with people of color, communities who are impacted by particular things and kind of reach out like a tree outward into whoever our partner groups could be. So when you look at ALC today, it’s got a bunch of different programs. There’s my program, which is the National Security in Civil Rights Program. We also have a Criminal Justice Program, an Immigration Program, an Employment Law Program, and the way each of these programs is structured is that we have a lead attorney, someone like myself and then we’ll either have one or two other junior staff attorneys, often just one, and then a very important part of ALC is that we have a community outreach organizer that works within each team.  

Bargzie emphasized how ALC also addresses legal issues of Muslims and Arab populations as well. She explained, “From the work that we do, in terms of how it ended up sort of taking a racial profiling was obviously post-9/11.” The example of ALC is notable for two reasons: (1) the organization seeks expressly to do work to promote the civil rights of Asian Americans; secondly, September 11th is flagged as a turning point upon which Muslim in America are targeted and surveilled by law enforcement, discriminated against, and as a result, racialized. Because ALC saw important overlaps between Asian American communities and Muslim American communities in post-9/11 surveillance, their legal work supported both the racial group and the increasingly racialized religious group. The organization focus, which initially addressed issues facing Asian Americans, has expressly turned their attention to the legal problems of Arab, Middle Eastern, Muslim, South Asian communities as well. By expanding the cadre of their work, they are also effectively pushing the boundaries of the definition of “Asian” for the American system of racial categorization and engaging in a progressive racial project (Omi and Winant 2015).

101 Interview with Nasrina Bargzie on November 7, 2014 via video call.
At the individual level, several organizations draw on explicit racial categories in their efforts to address clients’ legal issues. For example, the East Bay Community Legal Center, a nonprofit affiliated with Boalt Law School that provides free legal services, saw many of their clients come into the clinic because of a suspended license. Mari Castaldi explained:

For many years and sort of including up to recently now, one of the biggest issues that we saw are people who are coming to our clinic because their licenses have been suspended either because they missed the court deadline and once they missed it for whatever reason, they were told essentially that they have to pay the full amount that they owe just to get back in the court or because they had gotten a payment plan or gotten a sentence to a fine and just didn’t have the money to pay it. Their licenses get suspended and they essentially have to pay everything they owe to get it back. We started this and by far it’s helping more people than any other legal issue that we helped with, at least in economic security and opportunity practice as legal advocates.

She further elaborated:

One of the places where literally the process starts is that like low-income communities of color, black and Latino communities are getting stopped by the police so much more frequently and getting ticketed for bullshit things when they are getting stopped and then the resulting process or lack of process in traffic court and basically the options which are essentially “Hey go figure out on your own what to do because we’re not going to tell you what you can do other than pay.”

Castaldi’s analysis places the burden squarely on black and Latino motorists. The explicit use of racial categories is commonsense when addressing issues related to policing. Another organization, Bayview Hunters Point Community Legal, the first American organization devoted to universal access to civil representation, takes on few cases related to policing but has a clientele that is 88 percent black and 7 percent Hispanic. The founder offered these statistics because the organization tracks the race of its clients; this example also highlights race as master category in the United States. The founder and director of the organization, Adrian Tirtanadi, also plans to inquire into San Francisco’s racial disparities in the investigation of homicide. He explained:
Now, one thing in San Francisco that I’m thinking about doing is filing something with the civil grand jury, which is not an institution that’s available everywhere in the US, right. But in San Francisco, we have this thing called the civil grand jury, which has the power of subpoena over any government agency and investigate anything related to public finances. And you don’t need like a separate civil action. So, thinking about using it as a tool to investigate why black on black homicides don’t get investigated in the city versus you know, if you remember when a woman was killed by the undocumented immigrant on the Embarcadero got so much, so much resources.¹⁰²

There is a continued suspicion and assumption that racial disparities exist. Organizational actors who used legal tactics to dismantle racist police practices or defend the rights of individual people of color actually used these categories freely, never second-guessing the power of race in the United States.

France. Litigation is not as widely used in France for individual disputes with individual-level remedies or for group-level remedies through impact litigation. In fact, one respondent pointed to the dearth of legal representation available to French residents afflicted by questions of discrimination and noted, “You will see that in France you cannot find a law office that specializes in fighting discrimination. It doesn’t exist.”¹⁰³ Nonetheless, legal services were an important part of the French advocacy organization’s repertoire of tactics. This, despite the fact that many advocacy organizations lack legal standing to participate in legal proceedings in the French court system. Largely, the organizations that did pursue legal tactics downplayed or extracted race from legal matters, which in essence deal with the perceived racial identity of the victim. In particular, when speaking in the abstract or about hypothetical cases, French respondents were constrained by the reluctant national repertoire of race and did not employ

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¹⁰² Interview with Adrian Tirtanadi on February 11, 2016 in San Francisco.
¹⁰³ Interview with Lila Charef on April 15, 2014 in a Parisian banlieue. The exact location of CCIF, the organization for which Charef works, maintains an anonymous location due to its unpopularity and the potential threat of violence.
racial terms. In the few instances where explicit racial terms were used, it was when referring to specific clients and describing their race in order to frame the legal case against racial profiling.

The majority of respondents who worked in or with organizations providing legal services to victims of racially biased policing refused to utter racial terms during interviews. Words, like “race,” “black,” “Arab” were rarely used. Instead, interviewees referred to their clients’ country of origin or ethnic group; they spoke about the role of one’s immigrant status or religion rather than race. For example, Nathalie Ferré, a legal scholar, former organization president, and legal coordinator at Groupe d’Information et de Soutien des Immigré-e-s (GISTI),104 focused on the immigration and legal status of victims of discrimination. Considering questions related to immigration are the areas of focus of GISTI it is perhaps not surprising that this is the language employed. However, not once during our interview did Ferré employ a racial term like black or Arab or use the word “race.”105

Anne Salzer, the legal director of the Paris chapter of Ligue Internationale Contre le Racisme et l’Antisémitisme (LICRA)106, described the legal work around policing of her organization in the following manner, “We are rumored to be an organization with more members who are of Jewish faith than of Muslim faith, which is false. In fact, eighty percent of the files we receive in the legal department deal with individuals who are victims of racial discrimination based on their religion and their membership in the Muslim community.”107 Here, Salzer sought to both establish her organization as one that responds equally to questions of racism and discrimination faced by different religious minority groups (which are sometimes pitted against each other) and to shy away from language that racializes groups and instead

104 Information and Support Group for Immigrants
105 Interview with Nathalie Ferré on May 21, 2014 in Paris, France.
106 International League Against Racism and Anti-Semitism
107 Interview with Anne Salzer on June 2, 2014 in Paris, France.
focuses on religious identities. In fact, Salzer later specified, “I have a very pragmatic vision; I do not categorize. On the contrary, I very much like to do work with educational value.” Here, she describes her refusal to categorize or prioritize certain groups over others. However, despite this claim, Salzer engages in a practice of racialization, by conflating Muslim religious identity with the experience racial—and not religious—discrimination. The underlying assumption is that members of this “Muslim community” are phenotypically discernible, and as a result racialized and racially discriminated against. Notably, Salzer does not engage in a similar conflation of racial discrimination as a result of religious affiliation for Jews, presumably, because they appear to be white.

Similarly, Charef also engaged in the racialization of French Muslims. As a lawyer with CCIF, her organization’s focus is Islamophobia and discrimination targeting Muslims. She described the bulk of the legal questions and complaints received by her organization:

Our records are interesting because we realized that the complaints submitted to our organization are largely sent by individuals who are traveling. When their identities are checked by police at borders they are told to step aside. What is striking is that these are, for the most part, French citizens who are Muslim. They tell us that they do not understand why they are made to wait, sometimes for up to thirty minutes or more. This situation is very humiliating; other travelers watch them and the reason behind their detainment is not divulged. Sometimes they are questioned as to the reasons for their travel, even when they are traveling with family members . . . The information we have collected suggests that they are detained because they are traveling to a country that is considered an “elevated risk,” likely the Middle East, the Near East, Arab countries or Muslim countries.108

In explaining the typical complaints received by CCIF, Charef refrains from describing individuals racially as Arab, but recognizes the conflation between the perceived threat of those traveling to Muslim and Arab countries. Her analysis of police stops or identity checks rests on the law enforcement officers’ conflation of Arab and Muslim identities.

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108 Interview with Lila Charef on April 15, 2014 in a Parisian banlieue.
Several French interviewees extracted race from descriptions of law and legal process by emphasizing acts of racism or discrimination without referencing the identities of the victims. During a preliminary interview with the aforementioned Ganon of SOS Racisme, she informed me that, unfortunately, when building a legal case for those who fall victim of racism, the worse the circumstances the better. Ganon told me she would give it to me straight. It was easier to build a legal case when the police officer insults the individual they stop based solely on phenotypic characteristics. She elaborated and stated that the police are required by the French Code of Deontology to use the respectful and formal term for you, vous, rather than the informal tu when stopping individuals. The legal team at SOS Racisme is able to build stronger cases, she explained, if the police tutoie (address as tu) instead of vouvoie (address as vous), as this is a clear sign of disrespect and against code. Additionally, the use racial insults or epithets aids a case. Best yet, she divulged, is if law enforcement officers resort to aggressive, physical violence toward the person stopped.\textsuperscript{109} Her explanations emphasized the discriminatory practices of the police while anonymizing the victims, rendering them raceless.

In one of the rare instances in which race was explicitly expressed by a French respondent when discussing the logic behind his cases’ legal strategy, it was not by an advocacy organization’s employee or volunteer. Felix de Belloy, a lead attorney for the widely publicized 2012 racial profiling court case, described the legal strategy bluntly employing racial terms. Brought about with the financial support of the Open Society Justice Initiative, this was the first case against the French state, alleging racial profiling by law enforcement. De Belloy explained:

\begin{quote}
The legal strategy that I proposed involved finding victims. Generally speaking, as a lawyer, you will have people who are victims of something and they will come seek you out. Here, . . . we did not have victims identified, and we had a hard time finding them.
\end{quote}

\textsuperscript{109} From field notes recorded on November 17, 2013 at the SOS Racisme headquarters in Paris, France.
Well, not a hard time finding them. [Victims of racial profiling] exist every day, but we had to find them and convince them to do something about it, which was not a guarantee.  

De Belloy noted the unorthodox work of the legal team to seek out victims. To be sure, their difficulty in locating willing participants for their legal action the civil law system in France illustrates how the civil law system is not used nearly as frequently is the United States’ common law system. The notion of suing for racial discrimination is not common practice. The lawyer went on to describe how illegal stops often led to “youth” attempting to resist the interaction with police by committing the crimes of verbally insulting (outrage) or physically resisting or assaulting a law enforcement official (rébellion). The hypothetical young people were never described racially in de Belloy’s description of unfounded police stops. He noted that his strategy built on the legal gains of other lawyers under penal law:

With outrage and rébellion, there were lawyers who were able to demonstrate that the initial identity check by the police was unfounded. This gave way to small advances in jurisprudence. Generally, for outrage and rébellion one could be stopped for an identity check under the Article 78-2; we had little recourse. This [is a] first step in jurisprudence—though it is a very specific jurisprudence, one that does not permit for a systemic attack on racial profiling. The strategy we put in place was to get away from filing individual cases, where we dive into the details of debating what exactly the youth did, what he didn’t do, etc., we decided to take as many people as possible. Ideally, people who live exemplary lives, family men etc. . . . For all of these people, who are obviously black or Arab or Asian—though it is less of a problem for Asians—we denounce this institutional practice and demand money from the State, because in the end this is all we can do. This is a big difference [between the French legal system and] the American justice system. In French law, a judge issues a decision and money is paid to compensate the party deemed as having been wronged. A judge cannot say to the State, “Stop this practice. Change the law.” He cannot give this type of order.  

Here we have a rare instance in which a French interviewee made explicit reference to race when discussing legal practices or strategy. De Belloy, a lawyer who worked closely with OSJI, but is not himself a member, volunteer, or employee of one of the advocacy organizations studied.

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110 Interview with Felix de Belloy on May 13, 2014 in Paris, France.
111 Interview with Felix de Belloy on May 13, 2014 in Paris, France.
generally, was vague about the identity of those who are poorly treated by law enforcement. He regularly employed the term “youth” when describing hypothetical situations in which police stops without pretext led to stop and frisk practices. In the abstract, therefore, de Belloy resorted to the French practice of extracting race from discussions of legal strategy and racially biased policing. However, when discussing the specific strategy used in the case he litigated, he was forced to acknowledge that, “obviously,” those recruited to participate in the case were men of color, specifically black, Arab and Asian.

Ganon also engaged in racial extraction in the abstract when discussing her *SOS Racisme*’s legal services. For example, Ganon described the work performed by her organization’s legal department. She noted that the majority of calls to their legal hotline and letter inquiries received were not in fact legal questions related to racism. This, she observed, highlighted how uninformed the French public was about the structures and processes for legal matters. She also noted that these calls demonstrated that SOS Racisme was seen as a point of access to legal help more broadly. When issues of racism were raised, Ganon described how SOS supported and participated in the legal process. “Victims may need us to help them,” she explained, “or for us to help their lawyers because the laws governing discrimination law or the laws of racist hate speech or actions are not always handled well. We can accompany them without being an official civil party to their case.” She went on to describe that the organization’s accompaniment could be useful because the victim would have multiple perspectives on their case to strengthen their legal argument. In other instances, she noted, clients prefer more “discreet trials” so they would be present but “in the shadows.” When making generalizations about the work of the organization, Ganon focused on the act of racism or discrimination and refrained from using racial terms.
On the contrary, in more than one instance when describing a specific case, Ganon did indeed employ racial terms. For example, Ganon had a case in which a young man working for a reputable firm was set to travel to Brussels for work from the Parisian train station, Gare du Nord. At the train station, “everyone was let ahead of him. He was stopped by private security agents who made him stand aside, frisked him, insulted him calling him a ‘dirty Arab,’ and made him miss his train. The poor guy.” Ganon continued, “There was a witness but we were never able to find him so we were not able to file a formal complaint.” Again, we observe racial language used to describe specific incidents. In this example, we also see that racialized terms are used only when quoting others and, as such, were used to focus on the racist or discriminatory action.

Collection of Racial and Ethnic Data

One important prerequisite for pursuing anti-racist remedies is the capacity to substantiate claims of inequality, injustice, and discrimination. In this vein, data that documents patterns of racism is an important tool and first step for many anti-racist projects. Collecting these data would appear to require the use of racial categories. As I develop below, the collection of racial data is so commonplace and taken for granted in the United States that some advocates are beginning to wonder about the utility of this race-based strategy. Conversely, in France the collection of racial data is highly debated. This tense debate about the dangers of reification stemming from the collection of data has pushed French advocates to extract race from this race-based strategy.

While the debate about data collection in France is widely cited in comparative studies of race policy (Bleich 2004, 2011; Lieberman 2004; and Simon and Stavo-Debage 2004), less frequently noted is the debate around the collection of racial statistics in the United States, and
more specifically, in California. California was the first state to repeal affirmative action in state workplaces and educational institutions. California voters passed Proposition 209 into law in 1997, ushering the way for new debates about the role of racial statistics. Central to Prop 209’s policy was its directive that the state “shall not discriminate against, *or grant preferential treatment to*, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”

Ward Connerly, a key architect and vocal proponent of Proposition 209, wrote a statement (along with his colleague Pamela A. Lewis and then Governor Pete Wilson) in support of the proposition, which argued that reverse discrimination based on race or gender was wrong. Their contention was the privileging of certain groups over others, not whether or not race or gender were valid social categories.

After Prop 209’s success, Connerly sought to extend the reach California’s color-blindness. In 2003, California voters took to the ballot to decide whether or not the state should continue to collect racial data. Proposition 54, the “Racial Privacy Act,” would have prohibited the state from using racial classifications. The official summary stated that the proposition:

> Amends [California State] Constitution to prohibit state and local governments from using race, ethnicity, color, or national origin to classify current or prospective students, contractors or employees in public education, contracting, or employment operations. Does not prohibit classification by sex.

This move to abolish the use of racial data by state entities resembles France’s official position on the collection of racial and ethnic data. However, there are two notable differences. First, those on the left were vehemently opposed to this bill. I argue that in the United States, data collection is seen as a natural and normalized step in building the case for anti-racist pursuits.

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112 California Ballot Proposition 209, the “California Civil Rights Initiative.” See also Desilver 2014.
113 Official Summary of California Proposition 54, the “Racial Privacy Act.”
and as such it is no surprise that anti-racist advocates opposed this bill. Second, even those who supported Prop 54 and who advocated for color-blindness as California state policy did not do so on the grounds that the collection of these data would reify race, but that any classification of race in order to enact policy that benefit some racial groups is racist. Ultimately, the proposition was defeated in the polls—36 percent of the electorate voted in favor and 64 percent voted against it. Prop 54 won by slim margins in only 4 of the state’s 58 counties (Freddoso 2003). Though proposition fared poorly at the polls, this episode in 2003 demonstrates that the United States’ entrenched approach to race does not settle the debate about policies and practices of racial categorization.

In France, the debate as to whether or not to collect and use racial statistics lies in the circles of anti-racist advocates and activists who are grappling with the utility and danger of using racial categories to advance their causes. In the United States, anti-racist advocates and activists by and large agree that documentation of racial disparities and racial discrimination can only be done when taking race into account. The debate in the United States arises from the right who seek to limit policies that privilege disadvantaged groups.

*United States.* The collection of racial and ethnic data is a commonplace strategy used in the United States to substantiate racial or ethnic inequality and inequities. It has been used time and time again in the fight against racial bias in the criminal justice system at large as well as in racially biased policing more specifically. Most recently, as noted above, California has adopted a policy in which all state and local law enforcement agencies will be required to collect racial data in order to document disparities in racial bias in policing.

Collecting and analyzing data, and issuing reports that outline discriminatory practices or unequal treatment is a popular tactic used by several organizations in the American sample. For
example, the Lawyers’ Committee for Civil Rights (LCCR), the East Bay Community Law Center (EBCLC), Legal Services for Prisoners with Children (LSPC), and two additional organizations (not included in this study) collaborated on a report, “Not Just a Ferguson Problem,” that documented the disparities in traffic stops in California and outlined the severe impact of license suspensions on poor communities of color. The authors of the report collected California Department of Motor Vehicle data to analyze racial disparities in vehicle stops and traffic tickets. The report concluded that “low-income Californians are being disproportionately impacted by state laws and procedures related to driver’s license suspensions” (4). The emphasized the disproportionate impact on communities of color and highlighted negative consequences of these laws and procedures including loss of employment, lowered credit scores, and increased public safety concerns.

Data collection was also important in the late 1990s for the DWB campaign. Brad Seligman, founder of the Impact Fund and an expert on class action lawsuits, was one of the individuals present at the initial meeting of minds, which eventually led to the creation of DWB in 1998. He told me, “I’m guessing [it was] the late 90s, the ACLU organized an initial roundtable to talk about DWB cases and they wanted somebody who works with statistics and the class action litigation, so I got invited to come in.” Seligman casually commented that “they wanted somebody who works with statistics” present at the meeting. Before even knowing upon what their campaign would focus, it was decided that data would necessary.

According to Elaine Elinson, the ACLU-NC communications director at the time of the DWB campaign, noted that the campaign was innovative for its time in that it had simultaneous
goals of mounting a legal strategy, a policy strategy, and a media strategy, which she led.\textsuperscript{114} In our conversation, she emphasized the importance of data to the campaign:

And I think because the ACLU had done a lot of work on the death penalty and there had been – you probably know the David Baldus study, you know, the incredible disparity between the execution of whites and the execution of blacks and that kind of shed a light, and so what the goal of the initial meeting was, was to kind of look at every step of the way of the criminal justice system to look at the racial disparities which were probably the darkest we thought, I think, in terms of the death penalty.

I mean that’s where you could actually count because there was counting being done. There was statistics, so you could say “this many people were executed. This proportion were African-American. This proportion of the African-Americans had killed whites, all of that.” So in the other areas, it was very spotty, the kind of statistical evidence because what we learned was, very few police departments and at the time no federal agencies kept records of who was stopped. Some kept of who was arrested or convictions and so but not who was stopped so it was sort of guessing from people’s experiences.\textsuperscript{115}

So the campaign was going to have a number of different components, so just like the ACLU in general has a number of different components. It has litigation, it has lobbying, it has organizing, and it has communications. The fact that I was the co-director [along with Michelle Alexander] sort of elevated the communications higher than normal—than most ACLU cases—because it wasn’t just going to be a case, and then we’re going to publicize the case. Although all of these were integrated. We had some goals which were; one was to try to first expose the practice. Everyone in the African-American community and the Latino community knew about this but it was very sub-voce in the mainstream. So one was to elevate those voices and to expose that this was so commonplace. Another was to hold the police departments accountable. And another was to get statistics, like to try and make these forces and agencies track the data because without that, it would be very hard to litigate or to change the policy. These are not formal goals and I’m saying I’m just trying to remember what we were trying to do. So the first thing we decided to do was to open a hotline so that the anecdotal evidence, we could accumulate. We were able to get the number 1-DWB-STOP. Amazing, right? This is before emails and websites. There might have been a website but it wasn’t like a commonplace thing. So the 1-800 numbers were really important.\textsuperscript{116}

Here, Elinson describes how the ACLU’s first step was to begin accumulating anecdotal data highlighting the descriptive nature of racial disparities in automobile stops in order to both build a legal case, and educate the broader, or “mainstream” society. As she noted, this awareness

\textsuperscript{114} Interview with Elaine Elinson on January 21, 2015 in San Francisco, CA.
\textsuperscript{115} Interview with Elaine Elinson on January 21, 2015 in San Francisco, CA.
\textsuperscript{116} Interview with Elaine Elinson on January 21, 2015 in San Francisco, CA.
raising was unnecessary in the black and Latino communities who were experiencing these racially motivated vehicle stops.

Elinson’s co-director of the DWB campaign, Michelle Alexander, recalled their choice to use racial statistics with some doubts. In recounting her experiences at very moving town hall meetings the ACLU organized up and down the state, she wondered:

I remember being in meetings where community folks would say, “We don’t need data. We know what they’re doing. We don’t need to have the percentages of exactly the ration of who’s stopped and searched and at what rate, blah, blah, blah. We don’t need all of that data. We just need them to stop killing us. We want them to stop harassing us. We want that behavior to stop. We want to take over the police department and change.” You know, that’s where they were at. “We want this to stop. We don’t want to spend years of litigation. We don’t want to have a battle of studies. We want power.” . . . And when I look at myself back then as someone fresh out of law school and imagining that we needed to persuade those in power through facts and figures and data and analysis. And only when we got enough data, well then we’d be able to win a lawsuit. And only when we have enough data then they won’t be able to argue x and y? I look back and I really wonder “What if we had spent that 15 years instead of working for data, really investing and building power and unity and organizing capacity in these communities?” “Where would we be today if we hadn’t embraced that theory of social change that kind of privileged data and litigation and lobbying and lots of white papers over really building grassroots organizations and networks of community support and power that would make it possible for communities really to redefine?”

Alexander recollected with some reservation whether or not the ACLU had pursued the right strategy, in part no doubt, because the legislation had not passed at the time and because the issue of racially biased policing continued to be a salient issue 15 years later.

Alexander’s questioning the utility of racial data demonstrates the extent to which this practice is entrenched for U.S. anti-racist advocates. She was one of the rare respondents interviewed who expressed a doubt in the need for data; generally, organizational actors understood data as a necessary tool for proving the existence of patterns of racial inequality or racial discrimination. Underlying this broad acceptance of data collection as anti-racist strategy

117 Interview with Michelle Alexander on December 8, 2015 via video call.
is the acceptance or embrace of race as a valid social category. This particular strategy is so widely practiced among anti-racists, so taken for granted, that Alexander was able to distill the failed link between data collection and documentation of discrimination, and subsequent policy or behavioral changes. Her critique highlights that perhaps trusting those who fall victim instances of racism or discrimination should be evidence enough. Her point was that data does not effect change and that perhaps organizing politically and building capacity within communities could have yielded greater changes and more effective results.

France. The questioning of the necessity of racial and ethnic data for anti-racist purposes in France is based not on a realization that these data often do not yield broad changes, but rather in the concern that racial categorizations violate individual’s right to privacy and the concern about state reification of race. As Bleich (2004) argues, French reluctance to collect racial and ethnic data grows not simply out of the French revolution and commitments to republican values, but out of a fear of repeating the horrors of the Vichy government during World War II. However, there is indeed a debate and the organizations surveyed in this study do not all fall on the same side of this debate.

French organizational actors focused on racially biased policing struggled over the decision as to whether or not racial or ethnic data was needed in their anti-racist fight. Judith Sunderland, a researcher for Human Rights Watch, summarized:

It’s definitely one of the tricky aspects of the work in France. . . . First of all, working these issues in France is very difficult because of the lack of official data. And the lack of official data is in large part related to, or at least justified by, the republicanism and a refusal to disaggregate along race and ethnicity. So we had a lot of discussions [with other organizational partners]. Obviously [we are] very aware about the sensitivities and very aware that [there] are very different opinions within the organizations that we otherwise quite agree with on a lot of the issues we want to be addressed and the ways we want them addressed. But we ended taking the position that is the position taken by U.N. experts on these issues as well and grounded in a particular interpretation of international human rights law and the obligations that derived from that body of law. That it is
absolutely necessary to collect disaggregated data in order to assess the impact of policies in order to redress violations. So we just said, “We’ve got to do this.” It’s a very fraught debate but it’s by no means you know . . . It’s fraught precisely because they have different opinions.  

Sunderland clearly articulated the tensions around this issue in France and emphasized the fact that not all anti-racist actors shared the view that racial and ethnic statistics ought not to be collected.

Interviews confirmed her description of the organizations’ different points of view. For example, Louis Georges Tin of the Conseil Représentatif des Associations Noires (CRAN) expressed his support for the collection of racial or ethnic statistics. CRAN is an organization that seeks to unite black civil society in France under the shared experiences of colonialism and racism; as such, unlike the French mainstream, they view race as a salient and valid—albeit socially constructed—social category. In an interview, Tin told me, “For example ethnic statistics, we are the ones who launched this debate in France by saying we cannot identify statistics about systemic discrimination if we do not have the tools and data to identify it.” For Tin, the utility of documenting inequality or discrimination outweighs the potential dangers of categorization and reification.

Conversely, for many, the question of statistics was never raised as a viable anti-racist strategy. When pushed to list the tactics their organizations used in the struggle against racially biased policing the collection of statistics was rarely raised. This is in part due to the organizational representatives’ (and by proxy the organizations’) stance on race, that it does not exist. Ganon explicitly stated:

The word race does not make sense to use like the word ethnicity does. It doesn’t exist. It encapsulates nothing. There are no races of this color or that color. Otherwise we would

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118 Interview with Judith Sunderland on May 9, 2014 via video call.
119 Interview with Louis Georges Tin on June 10, 2014 in Paris, France.
be back to the 1950s. There aren’t really ethnicities either because if you want to talk about the ethnic origin of someone whose family has been here for three generations, then that’s not really an ethnicity either. Sometimes we are criticized for wanting to remove the word “race.” [They say], “But then there would be no racism.” It does not work like that exactly; that would be too simple.  

_SOS Racisme_ is one of the organizations that launched a petition in 2007 against the collection of ethnic statistics (Arnaud and Coroller 2007).  

Ganon’s description of her organization’s position on the concepts of race and ethnicity underpin their opposition to the collection of these data. For _SOS Racisme_, collection racializes society and lends itself to racist stereotypes and biological racism; it short collecting racial data makes race real.  

OSJI sponsored two different studies on the issue of racial profiling. In collaboration with scholars Fabien Jobard and René Levy, OSJI released a report in 2009 that confirmed the prevalence of racial profiling. Their study found that Arabs are 7.8 times more likely than whites to be stopped by the police, and blacks are 6 times more likely than whites to be stopped. To reach these conclusions, the researchers designed a study to meet French standards of anonymity in the collection of racial data. Data collection entailed researchers discreetly positioned to observe and record police-civilian interactions at five train platforms located in two different Parisian train stations. Researchers did not interact with police or with those being stopped, but recorded each interaction on a given platform, including their perceptions of the race of the person stopped (OSJI 2009).  

This study was criticized by Tara Dickman of _Stop le Contrôle au Faciès_ on the grounds that the write-up of the report did not resonate with the cultural repertoires of race in France. She explained:  

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120 Interview with Flore Ganon on April 14, 2104 in Paris, France.  
121 Other organizational partners behind the petition included LDH, LICRA and MRAP. The petition was also backed by academic scholars such as Jean-François Amadieu and Patrick Weil.
The [Open Society] report came out in 2009 and it just wasn’t working in terms of political impact . . . They just didn’t know how to frame the issue in a way that was understandable to our communities because they were all about profilage ethnique (ethnic profiling), which is not a word that we use . . . People are not entirely comfortable or clear about racial [or] ethnic identities, so the discourse is going to be very fuzzy. . . . There’s often a rejection of these identities in the banlieue (suburbs). People say, “No it’s not because I’m Arab, you know? Because for me, after age 25 it no longer happened to me. It’s age; it’s how one dresses.” And you can’t tell people, “No, it’s really your race,” because it’s just very violent. And also the numbers do show that youth clothing and so on and so forth—it’s more messy.\textsuperscript{122}

Dickman’s critique was not centered on the collection of racial data—as its anonymizing fit within the constraints of France’s reluctant cultural repertoire of race—but on how the data was presented. She asserted that the racialized language of profilage ethnique in fact did not resonate with people in France. A second critique she offered suggests that the French saw this issue as being beyond the question of race or ethnic identity. In addition to recording perceived race, researchers also made note of perceived age and type of dress. These variables proved to be statistically significant in the study; variables that rarely appear in analysis of biased policing in the United States.

OSJI, in partnership with Graines de France and Human Rights Watch, commissioned a second report that was released during the time of my fieldwork in the spring of 2014. This time, they fielded a survey to assess the opinions about law enforcement and discrimination, and frequency of contact with law enforcement. They found that native French respondents (without immigrant ancestors) reported being stopped by police on average 1.85 times over the previous 12 months (Borredon and Zappi 2014). Those who identified as descendants of immigrants reported being stopped 4.76 times over the prior year on average, and of of North African descent reported being stopped an average of 8.18 times (Borredon and Zappi 2014). Unlike the prior study, this report was conspicuously devoid of racial categorizations. The authors opted for

\textsuperscript{122} Interview with Tara Dickman on May 9, 2014 in Paris, France.
the more conventional language referring to parents and ancestors who are “foreign-born” or not and specified regions of origin, namely North Africa, rather than phenotype or racial category to specify who is discriminated against most.

DISCUSSION AND CONCLUSION

In this chapter I demonstrate how French organizational actors extract race from their anti-racist tactics while Americans infuse race into these same tactics. The American cultural repertoire of race as master category encourages anti-racist organizational actors to use racial categorizations even for tactics that could very well be race-neutral. Conversely, France’s cultural repertoire of racial reluctance pushes French advocates and activists to limit their use of racial language, racial categorization, and practices of racialization even for tactics that seem to rely on the recognition and use of race.

Unlike in the United States, where the move towards color-blind policies (for example, the repeal of affirmative action) is often viewed as a neoconservative ploy to dismantle tools for the redistribution of resources or opportunities, in France race-blind tactics and policies are pursued by many anti-racist organizations. Their avoidance of tactics or policies that target minority groups is not about steering clear of racial resentment towards minorities. Their choice to pursue race-blind tactics is not about framing issues as benefitting a broader swath of the French population in order to garner greater public support. Rather, it reflects a national cultural repertoire of race that is reluctant to identify racial categories so as not to reify race and make a more powerful and salient social category. While universal or race-blind policies in the United States reflect the strategic framing social issues, in France race-blind policies and tactics reflect the reluctant cultural repertoires of race.
Image 1. Photograph of Cat Brooks at the Millions March in Oakland, CA on December 13, 2014. Photograph by Bert Johnson. Reproduced here with photographer’s permission.
Image 2. Poster seen carried at the March Against Racism in Paris, France on November 30, 2013.
Chapter Six: Conclusion

Racially biased policing has captured the attention of citizens across the globe. Particularly in advanced capitalist, Western democracies, one might expect these issues to be less prevalent. However, as scholars have noted, racial minorities and other marginalized groups are dominated through criminal justice systems (Alexander 2010; Wacquant 2002). The first point of contact with these high unequal structures is with law enforcement. Though we can observe extreme inequalities and inequities perpetuated through these systems, social actors seek to resist, contest, and change these systems of racial domination. This dissertation attempts to unpack the ways in which advocacy organizations take on this charge, and how the institutional landscapes in which they find themselves constrain and enable their strategic efforts.

SUMMARY OF FINDINGS

Chapter Three makes the case that analyzing the vast and varied work of advocacy organizations in terms of organizational fields is uniquely helpful for understanding how organizations are constrained and enabled by their field positions. I argue that organizations vary in their field position according to resources in the form of material and human capital, and according to their legitimacy or status in terms of organizational scope, institutionalization, and legitimacy in the eyes of state actors, elites, the media, and the public. This chapter also posits two central resources that organizations ought to possess for effective strategic action: economic and social capital, particularly with regards to their constituents or the communities for whom they advocate. The comparative model illuminates the significant impact of inter-field relations. In France, where the nonprofit sector is comparatively weak—more dependent upon the state, and less able to engage legal institutions—advocacy organizations are required to pool resources.
As such, we observe an exchange of resources, particularly economic and social capital, across the organizational field.

Additionally, organizations of different forms and in different field clusters engage in overlapping strategies and tactics, signaling looser boundaries between organizational forms. In the United States, where there is a relatively strong nonprofit sector, collaboration and resource exchanges are less imperative. Instead, we observe more rigid boundaries in terms of organizational activities (qua strategies and tactics). In addition, the organizations that are best poised to lead the fight against racially biased policing are those that possess significant amounts of both economic and social capital.

Chapter Four considers the political context by examining how and when organizational actors perceive political opportunities, or a lack thereof. I argue that organizational actors act strategically, and as such, are keenly attuned to identifying the ripest moments for strategic action. These moments represent periods of perceived political opportunity. I identify three main frames of perceived political opportunity: times of political lull, political salience, and political intensity. During times of political lull, advocacy organizations are relatively inactive. During such moments, organizational actors attempt to identify strategies that will create opportunities. When organizational actors perceive a moment as being characterized by political intensity, their activities are largely reactive, responding to the immediate needs of their community or constituents. During periods of political salience, organizations are most likely to pursue strategic action. I suggest that perceptions of political opportunity depend on a variety of phenomena, including intra-field dynamics, transformative events, and political structures. Moreover, the data show that organizational actors do not always perceive a particular event or chronological moment in an identical fashion. I contend that the institutions that advocacy
organizations seek to target as well as the communities they serve powerfully shape the ways in which they frame a period as ready for social change.

In Chapter Five I examine how advocacy organizations do race. That is, how they establish racial ground rules that resonate with national ideologies of race. I argue that advocacy organizations draw on what I coin as cultural repertoires of race. These are the cultural symbols of race that are distributed unevenly across contexts. In both countries, we observe organizational actors employing strikingly similar race-based and race-blind tactics. In both France and the United States, advocacy organizations employ the race-neutral tactics of protests or marches and policy to regulate police practices. Organizational actors in both countries also pursue race-conscious tactics of collecting data to document racial disparities and litigation to prove racial discrimination. The data demonstrate that French organizational actors systematically extract race from organizational strategies and tactics, while American organizational actors infuse race into the same set of strategies and tactics.

STUDY CONTRIBUTIONS

This dissertation lies at the intersection of the literatures of cultural sociology, social movements, organizations, and anti-racism. Below I offer the theoretical contributions of this study to each of the four fields.

My intervention into literature on organizational fields centers on attending to both intra-field dynamics and inter-field dynamics. The comparative approach allows for an analysis not only of how organizations within the same field shape one another’s strategies, but also how organizational strategies and tactics are shaped by the field’s relation to other institutions and fields, namely the state, legal institutions, and their constituents. In addition, while organizational fields are primarily concerned with the ways in which organizations jockey for legitimacy—
which is certainly the case for the organizational fields in this study—this project also alludes to
the ways in which collaboration and cooperation is a central dynamic. This is particularly
important for organizational fields in which organizations share a similar aim or goal.

My contribution to theories of political opportunity is threefold. First, I focus on the
perceptions and meaning-making of organizational actors, and as a result I bring a much needed
cultural perspective to what is generally considered a structural analysis of social movements.
Second, I broaden the scope of inquiry beyond the realm of social movements. By emphasizing
how the strategies and tactics of advocacy organizations are chosen based on perceptions of
political opportunity, I expand the application of a theory generally limited to studies of social
movements. Third, I argue that because political opportunities are perceived by social actors,
their perceptions will not be identical simply because these social actors are present at the same
temporal moment and geographic location. Attention to organizational interactions with
institutions, I suggest, explains why we observe different advocacy organizations perceiving the
same moment as either politically opportune or inopportune.

I offer a theory of cultural repertoires of race. Race is not simply a characteristic but a
practice. The study of race in organizations often appears in the form of documenting and
explaining racial inequalities or practices of discrimination within an organization. This study
takes seriously the ways in which organizations do race. I argue that advocacy organizations
actively draw on cultural repertoires of race in their strategic activities.

Lastly, this dissertation offers an organizational analysis of anti-racism as a
contextualized practice and process. By documenting advocacy organizations’ varied anti-racist
strategies and tactics, and examining the institutions and ideologies that shape them, this study
emphasizes the ways in which anti-racism is historically contingent and context specific. While
this framing is typical in theories and studies of race, anti-racism has not adequately been theorized in such terms.

STUDY LIMITATIONS

By choosing cities with high levels of political awareness, social activism and engagement around questions of racial profiling, police brutality, and police excessive use of force against people of color, these are very likely not representative of other urban centers. In particular, we are likely to find higher frequencies of actions and participation in activities by advocacy organizations as well as local citizens and community members. However, these locales will also likely offer the full range of strategic actions employed given that these are especially busy organizational fields.

While the two samples of organizations from the Bay Area and Île-de-France included for field-level analysis are not statistically representative in terms of the local metropolitan areas or nationally, I aimed to include organizations occupying a range of structural positions within the field. Additionally, I sought to include each of the organizations that were especially active and involved in addressing racially biased policing.

Lastly, the political landscape shifted during data collection, and has continued to evolve since I left the field. The continued progress of the movement for black lives in the United States, its influence in France, as well as the 2015 Paris attacks and subsequent expansion of police powers mean that my data are dated. Nonetheless, this study provides important insights into the ways in which institutional context shapes anti-racist, advocacy organizations’ strategies for combatting racially biased policing.
IMPLICATIONS FOR POLICY AND ORGANIZING

This is a study of the practitioners, the experts on the ground pursuing racial justice by contesting systems and practices of racial bias in law enforcement. In addition, my dissertation is concerned with the strategies and tactics of advocacy organizations, rather than the outcomes of these endeavors. As such, I do not have specific policy recommendations or best practices for law enforcement agencies that have been illuminated by this particular research project.

This study does, however, have implications for organizational advocates and activists. In particular, both contexts stand to learn from the experiences of the other. France has already benefited from American imperialism when it comes to racial justice advocacy. Several respondents in the study had been flown to cities in the United States by the American Embassy in France to study community organizing practices. These strategies have proven effective for raising consciousness and mounting an organizing campaign. OSJI was also an important factor for French advocacy around racially biased policing. This organization funded the legal strategy, financed important reports documenting discrimination, and supported the work of various advocacy organizations in France. Beyond this, however, the French context stands to learn from the inventive use of social media platforms used by American organizers and advocates to gain recognition and support for their cause. French advocates should also be weary of state funding and pursue creative ways (such as crowdsourcing) to mount their fight.

Similarly, American organizations have a great deal to gain from studying the ways in which French actors have launched strategic actions around racial discrimination in the context of a highly color-blind state. Should the pattern persist of increasing color-blind policy and rhetoric in the United States, advocacy organizations may find themselves needing to adapt their explicitly race-conscious approach. National organizations and smaller nonprofits or grassroots
advocacy organizations would benefit from partnering in the ways that French organizations do in order to share the different forms of capital they bring to the struggle against racially biased policing.

NEXT STEPS

Political landscapes have changed dramatically since the conclusion of data collection. In France, the two sets of terrorist attack in 2015 have yielded expanded police power. In the United States, the newly minted Trump Administration has filled top leadership positions with racists and white supremacists. This administration has signaled deep support for law enforcement and a reluctance to pursue violations of civil rights or promote racial justice. I intend to address these important shifts with follow up research.

To address these significant changes, I plan to conduct follow-up interviews, gather more textual data, and engage in further ethnographic observations to document whether and how advocacy organizations have adapted to new political circumstances. In addition to examining potential changes to strategies and tactics, I plan to extend this project in two ways. First, I will document and analyze the logics with greater depth to understand the decision-making process of organizational actors. I will do so by explicitly analyzing mission statements and textual data meant to seek sympathy, raise awareness, and involve citizens. Second, I plan to examine outcomes. In particular, I will analyze shifts in public discourse and policy. I will examine shifts in discourse through an analysis of newspaper articles as well as the rhetoric of social media before and after periods of heightened organizational activity around racially biased policing. I will also examine changes to policy, law, and procedure. I will trace the developments of these changes to assess to what extent organizational strategic action can be attributed for any new policies, laws, procedures.
Appendix A: Interview Guide

1) I would like to begin by asking, what your role and responsibilities are at the organization?

General Organizational Structure

2) How big is the organization?

3) About what percentage of your organization is salaried staff? What percentage is volunteer?

4) How is the organization structured? What are the major areas of work? Which positions are responsible for which tasks?

5) How much of (what percentage) the work done by your organization would you say is focused on issues of anti-racism?

Organization Mission & Goals

6) What are the biggest goals of the organization?
   Probe: How did these goals come to be?

7) What are the most important anti-racist goals of the organization?
   Probe: Why are these particular goals of particular importance?

8) What are the goals of the organization regarding racial or ethnic profiling?

9) Why is racial profiling an important issue?

10) How does your organization define racial or ethnic profiling?
    Probe: Which groups are targeted by this practice? What actions characterize this practice?

11) What are the parameters of the law in terms of racial profiling in France/U.S.?

Organization Actions and Strategies

12) What strategies has the organization used to advocate against racial profiling?

   ▪ Has your organization engaged in legal advocacy?

   ▪ Has your organization engaged in educational campaigns concerning rights?
Probe: When, where, population served? Any materials distributed? How did you get involved in this?

- Has your organization engaged the media to advocate against racial profiling?
  Probe: What is the core message of these campaigns? Was there an emphasis on legal or rights based discourse? Can I access these somewhere?

- Has your organization made use of technology and social media to advocate against racial profiling?
  Probe: Was there an emphasis on legal or rights based discourse?

- Has your organization engaged in any other forms of advocacy against racial profiling?
  Probe: If so, what kind? How/why did your org come to get involved in this type of work?

13) Why do you implement the particular strategies used as opposed to others?

14) How do you fund your different strategies?

15) How does funding affect which strategies you employ?

16) Of these strategies which has been most successful? Why?

17) Which of the strategies has run into the most obstacles or been least successful?

Organizational History

18) How long has your organization been involved in combatting racial profiling?

19) Why did the organization initially get involved in this issue?

20) Have your organization’s strategies always been the same?
    Probe: If yes, what has changed? Why? Are there intentions to incorporate new strategies?

21) Why were the strategies used chosen over others?

Current Events Narrative Prompts

22) Can you talk about the recently dismissed court case involving 13 plaintiffs who brought complaints of racial profiling?

- Was your organization involved in this case? To what extent?

- Were members of the organization surprised that the case was dismissed?
What do you think would have been an ideal outcome from this case?

23) Are you aware of other incidents of racial profiling that gained a lot of media attention in France?
   - Was your organization involved in these incidents? To what extent?

24) Are you aware of other incidents of racial profiling that gained a lot of media attention outside of France?

Racism and Society at Large

25) How does your organization view/define racism in your (French or American) society? 
   Probe: Is racism in this country unique in some way?

26) Which are the most important laws governing racial or ethnic discrimination?

27) What are the most important ways these laws can be upheld in French/American society?

28) Whose responsibility is it ultimately to ensure that rights are not abused and laws upheld? 
   The government? Individuals? Nonprofits? Others institutional bodies?

Role of Nonprofits

29) Why is it important that nonprofits engage in anti-racist advocacy work?

30) Would you say the work of your organization, and nonprofits more broadly, is different from the work of political activists or politicians? 
   Probe: If so how? If not why is having a nonprofit structure important?

31) Are there efforts nonprofits not doing that they could/should be?

Closing Questions

32) Do you have any pamphlets, brochures, written material about your anti-racist efforts that I could have?

33) Do you collaborate with any other organizations on anti-racist endeavors? Which ones?

34) Is there anything else that we didn’t cover that you would like to share with me about the anti-racist work of your organization?

35) Do you have any questions for me?
# Appendix B: List of Organizations

<table>
<thead>
<tr>
<th>FRENCH NAME</th>
<th>ENGLISH NAME</th>
<th>ACRONYM/ABBREVIATION</th>
</tr>
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<tbody>
<tr>
<td>Amnesty International</td>
<td>Anti-Negrophobia Brigade</td>
<td>BAN</td>
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<tr>
<td>Brigade Anti-Négrophbie</td>
<td>Housing Projects on the Move</td>
<td>CEM</td>
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<tr>
<td>Cité en Mouvement</td>
<td>Collective against Islamophobia in France</td>
<td>CCIF</td>
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<tr>
<td>Collectif Contre l’Islamophobie en France</td>
<td>Stop Racial Profiling Collective</td>
<td>Stop le CAF</td>
</tr>
<tr>
<td>Collectif Stop le Contrôle au Faciès</td>
<td>Representative Council for Black Nonprofits</td>
<td>CRAN</td>
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<tr>
<td>Conseil Représentatif des Associations Noires</td>
<td>European Grassroots Antiracist Movement</td>
<td>EGAM</td>
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<tr>
<td>Graines de France</td>
<td>Seeds of France</td>
<td></td>
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<tr>
<td>Groupe d’Information et de Soutien des Immigré-e-s</td>
<td>Immigrant Information and Support Group</td>
<td>GISTI</td>
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<tr>
<td>Les Indivisibles</td>
<td>The Indivisibles</td>
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<tr>
<td>Ligue de Droits de l’Homme</td>
<td>Human Rights League</td>
<td>LDH</td>
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<tr>
<td>Ligue Internationale contre le Racisme et l’Antisémitisme</td>
<td>International League against Racism and Anti-Semitism</td>
<td>LICRA</td>
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<td>Maisone pour un Développement Solidaire</td>
<td>House for Solidarity Development</td>
<td>MDS</td>
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<td>Mouvement contre le Racisme et pour l’Amitié entre les Peuples</td>
<td>Movement against Racism and for Friendship between Peoples</td>
<td>MRAP</td>
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<td>Parti Indigènes de la République</td>
<td>Party of Colonial Subjects of the Republic</td>
<td>PIR</td>
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<tr>
<td>SOS Racisme</td>
<td>Open Society Justice Initiative</td>
<td>OSJI</td>
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<tr>
<td>Union de la Sagesse Populaire</td>
<td>Union of Working-Class Wisdom</td>
<td>USP</td>
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<tr>
<td>Urgence Notre Police Assassine</td>
<td>Emergency Our Police Are Assassins</td>
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United States

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<thead>
<tr>
<th>NAME</th>
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<tr>
<td>Advancing Justice/Asian Law Caucus</td>
<td>ALC</td>
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<td>All of Us or None</td>
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<td>American Civil Liberties Union of Northern California</td>
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<td>Anti-Police Terror Project</td>
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<td>Asians 4 Black Lives</td>
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<td>Bayview Hunters Point Community Legal</td>
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<td>Black Brunch</td>
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<td>Black Lives Matter</td>
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<td>CAIR</td>
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<td>East Bay Community Law Center</td>
<td>EBCLC</td>
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<td>Ella Baker Center for Human Rights</td>
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<td>Idriss Stelley Foundation</td>
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<td>Immigrant Legal Resource Center</td>
<td>ILRC</td>
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<td>Impact Fund</td>
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<td>Lawyers’ Committee for Civil Rights, San Francisco</td>
<td>LCCCR</td>
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<tr>
<td>Legal Services for Prisoners with Children</td>
<td>LSPC</td>
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<tr>
<td>Love Not Blood Campaign</td>
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<td>Malcolm X Grassroots Movement</td>
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<tr>
<td>National Association for the Advancement of Colored People</td>
<td>NAACP</td>
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<tr>
<td>National Lawyers Guild, San Francisco Chapter</td>
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<tr>
<td>Onyx</td>
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<td>People Improving Communities through Organizing</td>
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<td>People United for a Better Life in Oakland</td>
<td>PUEBLO</td>
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<tr>
<td>Rosenberg Foundation</td>
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<tr>
<td>Stop Mass Incarceration Network</td>
<td></td>
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<tr>
<td>Youth Alive</td>
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References


Open Society Justice Initiative. 2014.


