

INTO THE BLACKNESS

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THE SINGH EFFECT

It's not easy. But it is much easier for some than most, and it has been easier for me. I know that at least part of the reason is my father. He was almost white. I was born in Jamaica, West Indies to a light-skinned black Jamaican mother and a very light-skinned Sikh Indian father. My father, Carl Jadusingh, was very well spoken—he was usually very careful when enunciating his words, and he spoke with an Indian-British accent. He also looked like Clark Gable—he was a tall, very handsome man. And, like the plaintiff in *Thind*,¹ my father, and especially his family, didn't really care for black people.

In fairness, I have no evidence that Bhagat Singh Thind disliked black people generally; that is just my impression based on my experience. Thind shares several similarities with my father and the few paternal relatives that I knew. They were born in India's Punjab region whose inhabitants had historically been racially classified as Caucasian. In addition to being very light-skinned, Thind and my paternal uncles had some peculiar personality traits. One of my uncles, for example, much like Thind, was a typical Sikh in appearance (beard, head dress, etc.) but held very Christian, if not Catholic, sensibilities and beliefs. Another uncle identified as Sikh but always wore a large cowboy hat and boots and resembled the character Haas from the 1960s American TV western *Bonanza*. He also watched the TV show regularly and closely copied Haas's speech and expressions; he behaved and sounded like a western cowboy with limited education. In addition, Thind and several of my father's male relatives married white, pious, Christian, women.

After immigrating to the United States in the 1920s, Thind was initially granted citizenship based on his historical racial classification as Caucasian.² However, the Supreme Court, in a

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¹United States v. Bhagat Singh Thind, 261 U.S. 204 (1923).

² PBS, *Bhagat Singh Thind*,

http://www.pbs.org/rootsinthesand/i_bhagat1.html (last visited November 9, 2008).

type of white supremacist judicial gerrymandering that was very typical of the time, reversed that decision by redefining the term “Caucasian” to exclude Southeast Asians.³ Therefore, notwithstanding the historical and legal controversy and confusion as to the definition of Caucasian, the fact that Thind chose to define himself as white for the purpose of U.S. immigration policy struck me, and I was insulted. However, in trying to understand the decisions he made then and why he made them, I find myself simultaneously offended and sympathetic—equally disappointed in him and proud of his achievements.

My parents separated when I was two years old. My mother immigrated to New York, where she lived with her mother, and I remained with my father in Jamaica. Her plan was to get established in New York and then send for me. I remember that my father and I were very close, and when I look back at the times we were together, despite his many failings, I do feel pride when I think of him. I did not often see my mother’s family during those years that I spent with my father. He loved me very much and was very protective of me. Unfortunately, part of keeping me safe was trying to keep me away from pork and black people. Fortunately, his efforts were not completely successful. I managed to have some dark-skinned black friends in school, which is perhaps why my father and I sometimes spent school days at the beach. And although the subject of pork remains problematic to this day, I now have a few close dark-skinned black friends. I recall being called a “coolie” once or twice when I lived in Jamaica (which is a derogatory term for the racial mix of an Indian and black person in Jamaica). However, I don’t recall ever feeling out of place or different until I left my father and Jamaica.

THE “MODEL MINORITY”

The photograph of me on the British Overseas Airways Corporation (BOAC) flight from Kingston to New York is still very vivid in my mind—I sported a long black ponytail and sunglasses. I arrived in New York to live with my mother and grandmother.

I grew up in a middle/working-class neighborhood in north Bronx that consisted of one and two family homes on tree-lined streets. The area was a mix of white, very light-skinned Latinos/Puerto Ricans, and a few blacks; most (if not everyone) was or seemed to be Catholic. I and many of the kids on my block played together outside and in each other’s houses. I and many of my friends also went to Catholic grammar schools. Many of my

³ Thind, 261 U.S. at 213-215.

friends had two parents and went to visit their grandparents on holidays. I, however, was raised by my mother and grandmother, both of whom worked several jobs or shifts. Unlike some of my other friends, I had my own room, was always safe and comfortable, and had every material thing I needed.

I think it would be fair to say that I lived in a type of “model minority”⁴ neighborhood. It would also be fair to say that I had only two black friends. Unfortunately some of the “model minorities” were not very good models for me or anyone else. Despite the facially apparent integration and lack of overt bias, it soon became clear to me that black people, dark-skinned blacks in particular, were not well regarded here either. My first experience came when I was approximately five or six years old. I can remember it well, and I will never forget it. My grandmother, mother, and I were renters in one of the two-family homes, and the owners, an older Puerto-Rican couple, were paid to babysit me while my mother and grandmother were at work. One evening, I was with the couple and we were driving home from somewhere. I think we were on FDR Drive on Manhattan’s east side, and as usual I was just looking out the window at the scenery. The woman pointed out a car—a Cadillac that was clearly more expensive than their car—to her husband. I then heard the husband say, in a clearly disapproving and derogatory tone, “look whose driving it.” I saw that it was a black man driving the car. I immediately felt something; I didn’t know then what it was, but I knew it wasn’t good. We didn’t live in that house for very long; I don’t think it was more than three years, and I don’t recall exactly why we moved. Our next home was just a few blocks away in another two-family house owned by another very light-skinned Puerto-Rican family. I liked them much better. They had two girls close to my age, and they didn’t have a car.

THE NIGGER EFFECT

When I graduated from grammar school, we moved to Parkchester—a residential high-rise complex created by Robert

⁴ JUAN F. PEREA ET AL., *RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* 463 (2d ed. 2007). The concept of the model minority is based on the perception that Asian Americans are ideal immigrants because they are perceived to carry with them a strong work ethic and a set of values consistent with the American dream.

Moses and Met Life, which is identical to Stuyvesant Town in Manhattan. I remember being excited because our building had an elevator, and I had previously only taken elevators in fancy department stores. We initially rented the apartment, but eventually my mother was able to purchase our condominium. When we initially moved in, Parkchester was primarily white and Jewish. However, although there were not many black people there or in the adjoining neighborhoods—Morris Park, Westchester Square, and Pelham Bay—racism, especially directed bigotry, was not something that was common, at least not to me. I recall that when I was in high school—I attended an all girls Catholic high school in Parkchester—I was called a nigger by some white boys who were driving by. I remember hearing the term being yelled, and I remember the feeling was surreal. I kept my head up, never looked at them directly or said anything back; I just kept walking straight ahead. That sort of thing had never happened to me before. Strangely, I don't recall feeling angry at the time, and I didn't tell my family or friends about it when it happened. I am not exactly sure why, but I suppose I felt ashamed, and talking about what happened would somehow make it more real and me more black.

By the time I graduated high school all my friends were white. I have narrowed the explanation of why my life was so white at that time to the fact that (1) there were very few black kids my age in my neighborhood; and (2) the only other black girl in my high school class that I can recall, tried unsuccessfully to stab me in the girls locker room one day with a pair of scissors. Needless to say, she and I never bonded.

YOUNG, BLACK, GIFTED AND GAY

When I started the process of applying to college I didn't think much about affirmative action or diversity. I just knew I wanted to get out of the Bronx. I wanted to be in Manhattan, so I only applied to schools there. Manhattan was Emerald City to me—a magical place. I loved it not just because there were many openly gay people living there, and I knew I would feel comfortable and at home: it was beautiful, diverse, and intellectually stimulating. During my college application process, it also did not dawn on me that there may be something wrong with the fact that, despite my at least average intelligence, I could not score well on the SAT. I was accepted at a few CUNY schools however and decided on John Jay for, among other things, its location—on the West Side near Lincoln Center and Central Park. However, when I started college, a few interesting things occurred

to me. Black people and white people, despite their similarities in backgrounds and socio-economic status, think differently and have inherently different perspectives on almost everything.

I moved out of my mother's house when I was approximately twenty years old, and I secured an apartment on the Upper East Side of Manhattan; I had worked hard through high school and my first two years of college to afford it. I was also very fortunate to have a flexible and encouraging employer—my friend Joe. Joe is a white, Jewish man who owned and operated his own business as a computer programmer and automation specialist on the Upper East Side. Since my job was now four blocks from my new apartment, I was able to spend a lot of time with Joe during the five years I worked for him. I worked full time during the week while attending classes at night, and I often worked on weekends. I didn't learn much about computer automation while working for Joe, but I did learn a great deal about life.

Joe is a 1970s American styled, rugged, cowboy boots and leather sofa kind of guy. He drove a Jeep and a Datsun 280z, he loved women—including dark-skinned black ones. He was very social, pragmatic, successful, smart, kind, and very supportive of me. He built his company and was “on line” long before the “dot com” era. He never hesitated to go out and get what he needed or wanted.

He shares responsibility, along with a few others, in shaping my vision of my life. I wanted to live the “Ralph Lauren” life style Joe did. It was intelligent, beautiful, uninhibited, affluent, exciting and very white. At the time, I neither knew nor saw any black people who I could admire, respect or be inspired by. Not even in college. None of my professors at John Jay College of Criminal Justice were black—and I was there for almost six years. And, although I enjoyed and was excited to see black people in the movies and on television, I couldn't connect with George Jefferson, George Sanford, Foxy Brown, or Superfly. And, I just couldn't stand the idiot “kid dynamite” on the shamefully sarcastic and ironically titled television sitcom *Good Times*. None of those media stereotypes inspired me to anything other than shame or indifference. I wanted more, and I knew there was a much better life for me than what was being advertised to me at the time. I just knew I had to work hard, stay focused, and not let anyone get in my way or get me down. That was the key to

success: will power + individual effort = prosperity. I was sure of it.

INTO THE BLACKNESS

While in college I read almost all of Ayn Rand's books and adopted *The Virtue of Selfishness*⁵ as the motto for the moral band-wagon I drove around between Greenwich Village and the Upper East and West Sides of Manhattan. But I fell from my moral high ground as soon as I started working within the real belly of the beast: this city's foster care and child "protective" system. I am sure the nightmare that was the Special Services for Children (SSC) was often a place worse than jail for many young black children. What I saw during my two painfully long years there precipitated my descent into the "blackness." The initial fall was quick and painful, and then I just kept falling. At that time, the late 1980s, the city's department of social services was a zoo, and the animals ran the zoo. But the social service agency responsible for the welfare of children was worse.

The widespread ignorance, indifference, and stupidity at SSC combined with the systemic and overt racist policies and procedures seemingly designed specifically for addressing the "needs" of the black client population was staggering. One night I spent almost 10 hours on a *removal*—taking two brothers ages 7 and 8 from their home because they were being physically and possibly sexually abused. The boys never let go of each other's hands from the moment I took them out of their house, which made getting them examined at the hospital a challenge. But they stood there and let the doctor examine and touch them because they were together.

We then spent the next eight hours driving about the city from one home to another attempting to place them in one of the reportedly "available" foster parent homes that had previously agreed to take siblings within their age range. But by two o'clock in the morning it became exhaustingly and devastatingly clear that no one wanted two dark-skinned black boys. Several homes were available for just one or both if they were white. So, I had to split them up. My driver and I literally had to pull them apart. They never stopped screaming, and I will never forget the look in their eyes. They were staring into a very dark world that never saw them, and I knew that soon they wouldn't see or feel anything

⁵ AYN RAND WITH ADDITIONAL ARTICLES BY NATHANIEL BRANDEN, *THE VIRTUE OF SELFISHNESS: A NEW CONCEPT OF EGOISM* (New Am. Library 1964)(1961)

anymore. After that night I kicked Ayn Rand and her “Objectivist”⁶ manifesto to the curb.

THE EFFECT OF THE INTERVIEW

Shortly after that incident, I developed a form of posttraumatic stress disorder, and I became generally intolerant and agitated. I submitted written complaints alleging, among other things, incompetence, and unequal treatment of black children and families to the powers that be at SSC. Then I resigned. Sometimes I still have flash backs when I look at the faces of so many disconnected black children who I can tell are just staring into the eyes of the world and seeing nothing. Some time after I left SSC, I was contacted by the news program *60 Minutes* for an interview. I had assumed that my concerns and the complaints that I had filed had just been ignored and tossed out as usual. But something unusual happened. A little white girl was killed by her father and he, Joel Steinberg, was a rich white lawyer. That fact made the news even more sensational.

The city and the media then went into their usual phase of shock, outrage, denial, and continued denial. Apparently someone at SSC pulled my complaint out of the garbage, so to speak, and in addition to the media, DC 37, the union representing the child protective caseworkers at the time, contacted me. They all wanted to hear what I had to say, and they wanted me to say it to everyone. Of course, everyone had their own motives, none of which had anything to do with making conditions better for the children.

I granted an interview to Morley Safer of *60 Minutes*. I spoke passionately about the unequal treatment, attention, and resources given to black in comparison to white families and children. I described the night I had to separate the two brothers. However, when the show aired a few weeks later, almost everything I said was edited out. All you really heard me say was that the workers were inadequately trained and supervised and that there was a lack of resources.

⁶ “The Objectivist ethic proudly advocates and upholds *rational selfishness* . . . [it] holds that *human* good does not require human sacrifices and cannot be achieved by the sacrifice of anyone. . . . It holds that the *rational* interests of men do no clash— that there is no conflict of interests among men who do not desire the unearned, who do not make sacrifices nor accept them, who deal with one another as *traders*, giving value for value.” *Id.* at 28.

Now we know that *60 Minutes* was /is not a racist propaganda tool. Right? So what happened? Why was the report so skewed, and the problems so misrepresented? Robert Entman knows. In *Young Men of Color in the Media: Images and Impacts* he points out

[T]he media are among the most powerful sources of mental impressions that people form of the categories of out-groups. . . . Such is the generally unconscious power of the images in our minds—images often placed there or reinforced by the media. There are also aggregate-level effects from misperceptions held by the dominant white group, which frequently assumes that government programs in areas such as health or education are largely designed to help undeserving minorities at the expense of the majority.⁷

THE EFFECT OF THE BADGE

In 1988 I was hired by the U.S. Probation Department in the Eastern District, New York. I was given a badge and a gun and spent the next few years trying to fit my evolving and increasing black counter-culture mentality into the blue sub-culture machine. The police world and lifestyle was another very surreal experience. I often found myself walking a very thin line between the many privileges of having a badge and the frustrating responsibility of also being the intelligent, educated, and politically aware gay, black woman in the room. When I started at the probation department, the department consisted of approximately 70 or so officers. I was one of just a few black officers and one of a few female officers. The court was also very conservative, and women were required to wear dresses or skirts—the shorter the better. On my first day in court I wore a pinstriped men's tailored suit and tie. I got many looks, and I am sure there was scandal behind my back, but no one said anything negative directly to me, probably because they correctly believed it would not be well tolerated. The fact that I was openly gay did not seem to be as obvious a problem for me as being black. Being black was my obvious "defect," but my attire was not an obvious signal of my

⁷ ROBERT M. ENTMAN, THE DELLUMS COMMISSION, BETTER HEALTH THROUGH STRONGER COMMUNITIES: PUBLIC POLICY REFORM TO EXPAND LIFE PATHS OF YOUNG MEN OF COLOR, BACK GROUND PAPER, YOUNG MEN OF COLOR IN THE MEDIA: IMAGES AND IMPACTS 5 (2006), available at <http://www.jointcenter.org/publications1/publication-PDFs/DellumsReport1JanA.pdf>.

sexuality. I think some people thought of me as a black “Annie Hall” character. But unlike the real character, I didn’t date men and spoke openly about my girlfriend and life-style. Being gay, in fact, seemed to make me popular with a few important heterosexual men in my department, which was at first confusing then frustrating and ultimately insulting. One of my supervisors at the time often asked me on dates and took particular enjoyment taking my shoes off and tossing them out the door when I was in his office for meetings. That supervisor’s behavior did not stop until I filed a formal complaint with the court. My complaint was not taken seriously at all, and he was later promoted. That experience taught me another valuable lesson about the law—if you are perceived as “outside” the system or different you will be perceived as being against it. The judge that decided my case did so before she saw me or heard me, in fact, as I sat before her and spoke, she did not see me or hear me.

BEING ONE OF THOSE F@#%KING PEOPLE

In the first few years on the job, my partner and I would go out for drinks with some of the federal agents or other cops we worked with, and I tried very hard to fit in and to feel comfortable. But despite appearances to the contrary, I was usually uneasy. I found myself always on guard for one of those “those f@#%king people, you know what I mean?” comments. Or, I had to be ready for when some of the usually older Irish cops became drunk and started telling their stories, which always included racial slurs and or egregious civil rights violations or other abuses, most of which were perpetrated against black people. At first it was hard for me to object because I did want to fit in, plus the other minority and female officers who were also being insulted just laughed and kept drinking. It was also difficult to protest because, at least in those social settings, cops aren’t as black and white as they are blue, and you are expected to be a “team player.”

Although I stopped going out with “the boys” after about a year, I remained an officer in the EDNY for the next 16 years. I spent the last five years of my career creating, implementing, and supervising the first alternative to incarceration program for juvenile offenders in the New York federal court system. The “Special Offender Services Program” (SOS) was very successful and received lengthy front-page coverage in the *New York Law Journal* in June 2001 as well as coverage in the *N.Y. Daily News*. Many of those young defendants were first time “drug mules,” or they were young people, usually black, who made bad choices and

who just needed a break or some help. The judges were so pleased with the program and its success that they personally requested that I expand the criteria to allow for defendants beyond the current age range of under 21—which of course I did. I will always be very proud of the fact that I gave quite a few of those people, most of whom were minorities, a second chance.

SOME DREAMS ARE BLACK & WHITE

I resigned from the EDNY in 2004 because, among other things, I knew I wasn't going to go any further in my career there. I was a Senior U.S. Pretrial Officer with a high pay grade. I was also the Special Offender Specialist, Program Development Coordinator, and Coordinator of the agency's Federal Witness Protection Program. But, I wanted to do more. So I decided to go to law school.

After spending so much time in court and watching attorneys throughout the legal process, I knew I could be as good, if not better, than most of them. The attorneys who managed to really impress me—those that presented well and who showed genuine respect for their clients and sincere concern for their interests and welfare, especially the indigent and minorities—were rare, and they were not black. I also went to law school because I wanted to protect and defend the Constitution and repel attacks against individual civil liberties. I also wanted to be a voice and advocate for all that I saw lacking in our current system of justice—the most deficient aspect being the actual justice part. I dreamed of working with the Innocence Project and being involved with the exoneration of an innocent person who had been unjustly incarcerated—most of the time those innocent people are young black men. When I was still involved in the SOS Program, there were many times when I looked into the eyes of young, black male defendants and I couldn't help but see those two young brothers that I was forced to separate. I often saw eyes looking back at me that didn't see what I represented or me. They didn't want or trust the “help” I offered. Their eyes were empty and they just stared at the world and saw nothing.

But those were just the reasons why I went to law school and just what I dreamed about doing. Things change and dreams are transformed. I now have a mortgage on my life—the cost of doing business in the world of higher education, and some dreams are more expensive than others. So last summer I accepted a position with the New York Stock Exchange as a paid intern. I did well, and they asked me back for the fall. My work in the securities industry has opened a whole new set of possibilities that

I never seriously considered before, not only because the world was unfamiliar, but it also seemed so contrary to the path I thought I was on. However, surprisingly, I felt strangely comfortable there. I enjoyed the work and the people, and I could see my future on this new path. And, given my history as the integrating super minority—black, female, and gay—I just assumed that I was supposed to be there; there were no black attorneys in my department, and from what I am told, only a few within the securities/regulation industry.

But, I am just going with the flow for now. The first thing I need to do is pass the bar. After that, I will start looking for a job that will bring a whole new set of challenges. Perhaps the first will be for me to bring some additional integration or diversity to the securities industry.