

HEALTH EQUITY NEWSLETTER

February 2024
No. 2, Vol. 2

Welcome to Health Equity, a monthly newsletter advocating for racial health equity and environmental justice in the United States, brought to you by Equal Justice Society and Lieff Cabraser Heimann & Bernstein LLP

BLACK HISTORY MONTH: PERSEVERING THROUGH CHALLENGING TIMES

By Lisa Holder, President,
Equal Justice Society

We commemorate Black History Month in 2024 just a few years shy of its 50th anniversary, having first been observed in 1976 by President Gerald Ford.

In his brief presidential message, Ford alluded to the observance of Black History Month being a “message of courage and perseverance” that may have been understood at the time as referencing the oppression of Black people since 1619.

A message of perseverance is needed today more than ever. Hate, cynicism, and apathy are rapidly expanding outside of the political sphere into mainstream society and are driving the disruptive and destabilizing anti-democratic January 6 insurrection, legal and cultural attacks on affirmative action, DEI, Critical Race Theory, reproductive choice, and other progressive policies.

W.E.B. Du Bois once said: “Either America will destroy ignorance or ignorance will destroy the United States.” The latter is unacceptable. Our pursuit of the former requires the fortitude to fight on despite the challenging times that bear on us.

Fortunately, we can draw inspiration from our forebears on how to sustain our movement.

Du Bois developed a vision for his life by rejecting the boundaries of



CLOCKWISE FROM LEFT: Dr. Shirley Weber, California Secretary of State, with EJS President Lisa Holder (holding the California Reparations Report); W.E.B. Du Bois; the late Prof. Charles Ogletree, EJS's founding board chair.

discrimination, reflecting on a childhood moment, he felt “shut out from their [White] world by a vast veil. I had thereafter no desire to tear down that veil, to creep through; I held all beyond it in common contempt, and lived above it in a region of blue sky and great wandering shadows.”

The legendary Prof. Charles Ogletree, EJS's founding board chair, taught us that sometimes we must be champions of the oppressed, even at great risk. “Charles had a difficult decision to make,” said Anita Hill of Ogletree's decision to represent her. “He was up for tenure. He had a lot on his plate, and being involved, on my behalf, in a sensational public hearing may have made some faculty uneasy. He really had his job and his career on the line, but Charles agreed. I know of no one who is more generous, more principled, more unpretentious, and more intelligent than Charles Ogletree.”

From California Secretary of State Dr. Shirley Weber, we learn the importance of paying attention to the fundamentals, such as voting: “Oftentimes, people in

my community will talk about things I've done, like reparations, lethal force and all those bills that were hard to pass. But they'll still say that voting doesn't make a difference. And I ask them, 'Do I make a difference?' They'll say 'Oh, yeah, you make a lot of difference.'

So we can see that

voting makes a difference but we just get frustrated because we want things to move faster. And I understand that because I'm frustrated often.”

At EJS, we also draw inspiration for perseverance from our co-counsel and colleagues at Lieff Cabraser Heimann & Bernstein who are incredibly dedicated to advancing social justice, and to our partners in the Alliance for Reparations, Reconciliation, and Truth who continue to give lessons on advancing the movement: California Black Power Network, Black Equity Collective, Live Free, and Catalyst California.

You can be a part of Black History Month's message of courage and perseverance. Share this newsletter with your family and contacts. Ask others to sign up for updates from [Lieff Cabraser](#) and [EJS](#). Spreading the word about our efforts helps us move forward together.

It is difficult to persevere during challenging times, but with your support and partnership, I am confident that we will celebrate the 50th anniversary of Black History Month in 2026 much closer to fulfilling the promise of America.

GUEST FEATURE: UNDERSTANDING THE INTERSECTION OF RACISM AND MENTAL HEALTH

By Dr. Ardis C. Martin, M.D.



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Maintaining good mental health is essential for our overall well-being. However, various factors can have a negative impact on our mental health.

These factors include genetics and family history, environmental factors, socioeconomic disparities, and adverse life experiences.

For people of color, experiencing and confronting racism and discrimination is an additional factor that can adversely impact their mental health. The pervasive nature of these challenges continues to permeate through our society and profoundly affect people on social, political, medical, and individual levels.

In this article, we will (1) define racism and describe the various forms experienced by people of color, (2) examine two types of trauma resulting from racism and discrimination, (3) underscore the detrimental consequences of denying racism's continued pervasiveness, and finally, (4) explore the mental and physical impact of racism on people of color.

While various definitions of racism exist, one that I find particularly relevant in setting the stage for a better understanding of its consequences is as follows:

RACISM = Racial Prejudice + Power.¹

This equation highlights racial prejudice as a set of discriminatory attitudes based on assumptions related to one's race or skin color. Power, in this context, signifies the authority granted through social structures to reinforce racial prejudice, regardless of the validity of the underlying assumptions. Racism is a system of advantage based on race.

Having a clear understanding of racism and its different types is meant to be empowering so that people of color can recognize and describe their experiences and acknowledge the negative impact it can have on them.

There are four types of racism that are crucial for people of color to be aware of:²

- **Interpersonal or Individual Racism:** Involves the beliefs, attitudes, and actions of individuals that consciously or unconsciously support or perpetuate racism.
- **Cultural Racism:** Encompasses messages and stories that convey the idea of assumed racial superiority among the majority and assumed racial inferiority among the minority.
- **Systemic Racism:** Evident in the practices of social and political institutions, leading to discrimination in areas such as criminal justice, employment, housing, health care, political power, and education.



- **Internalized Racism:** Involves the conscious or unconscious acceptance of the dominant society's racist views and stereotypes, as well as biases within one's own racial/ethnic group.

These forms of racism, coupled with discrimination, can lead to significant and far-reaching trauma—historical and racial.

Historical Trauma:³

- Historical trauma is experienced across generations by a specific cultural group with a history of systematic oppression.
- Historical trauma is cumulative; current experiences of trauma along with past exposure can lead to additional adversity.
- Historical trauma impacts both psychological and physical health.

An important point to understand about historical trauma is that even descendants who haven't directly been exposed to these traumatic events can

1 ACLRC - <https://www.aclrc.com/racism>.

2 Racial Equity Tools - <https://www.racialequitytools.org/fundamentals/core-concepts/racism>; ACLRC - www.aclrc.com/forms-of-racism.

3 U.S. Department of Health and Human Services: Administration for Children and Families <https://www.acf.hhs.gov/trauma-toolkit/trauma-concept>; Hankers, S.H., et al. The Intergenerational Impact of Structural Racism and Cumulative Trauma on Depression (2022) <https://ajp.psychiatryonline.org/doi/full/10.1176/appi.ajp.21101000>.



display signs and symptoms which may include depression, fixation on trauma, low self-esteem, anger, and self-destructive behavior.

- Racial trauma ⁴ refers to the emotional and physical reactions that people of color experience following multiple exposures and incidents of racism. It can manifest as hypervigilance, self-blame, fear, shame, and guilt.

To further explore the multifaceted nature of racism and its impact on mental health it is important to note that it can present as both overt (explicit) and covert (implicit) forms of bias, as macroaggressions and microaggressions, respectively. **Macroaggressions** are systemic and institutional forms of racism that negatively impact a group or class of people. **Microaggressions** are brief, intentional (conscious)

or unintentional (unconscious), hostile verbal, behavioral, or environmental communications directed towards people of color. ⁵

Microaggressions can give way to **racial gaslighting**⁶ which is a form of psychological manipulation that involves causing people of color to doubt their experiences of racism and discrimination by

denying or trivializing its existence. This invalidation of their lived experiences serves to perpetuate racism and leads to exacerbating mental health challenges with the potential of causing lasting adverse consequences. This may manifest as anxiety, confusion, paranoia, fear, anger, frustration, helplessness, and hopelessness. Research has even suggested a direct correlation between racial gaslighting and conditions such as unhappiness, depression, and suicide.⁷

Recognizing these forms of racism and trauma and their consequences is essential for people of color, enabling them to stand up for themselves, especially in a medical system inherently fraught with biases that contribute to significant health disparities. Racism has direct and detrimental impacts on people of color's access to mental health care; they have less access, reduced

likelihood of receiving necessary care, and when care is received, it is often poorer in quality.⁸ Multiple studies have linked racism and discrimination to adverse physical and mental health outcomes, including hypertension, obesity, heart disease, increased infant mortality and maternal morbidity rates, depression, and generalized anxiety.

Knowledge is power, and for people of color, being aware of the way that racism and discrimination can impact their mental and physical health can be transformative and potentially life-saving. This awareness not only validates their lived experiences but also facilitates a deeper understanding of the underlying mental health challenges they may be facing because of it. By recognizing these issues, they can be empowered to feel confident, acknowledging when they need help. It sets the stage for them to comfortably advocate for themselves, seeking and receiving the treatment and support they deserve within a system that has been slow to change, enabling them to improve their overall mental and physical well-being.



4 Carter, R. T. (2007). Racism and Psychological and Emotional Injury: Recognizing and Assessing Race-Based Traumatic Stress. *The Counseling Psychologist*, 35(1), 13-105. <https://doi.org/10.1177/0011000006292033>.

5 Levchak, C. Microaggressions, Macroaggressions, and Modern Racism Microaggressions and Modern Racism, 2018.

6 Recognizing and responding to racial gaslighting: <https://www.medicalnewstoday.com/articles/racial-gaslighting#summary>; Huizen, J. (2022). What is Gaslighting? *MedicalNewsToday*; Strong, R. (2022). How to Recognize and Respond to Racial Gaslighting. *Healthline*.

7 Hollingsworth, D. W, et al. Experiencing Racial Microaggressions Influences Suicide Ideation Through Perceived Burdensomeness in African Americans. Published in *Journal of counseling and psychology* 2017. <https://www.semanticscholar.org/paper/Experiencing-Racial-Microaggressions-Influences-in-Hollingsworth-Cole/dc4876d2804f44c80438c4ca75971cd0ba45835c>; Torres, L., et. Al. (2015) Ethnic Microaggressions, Traumatic Stress Symptoms, And Latino Depression: A Moderated Mediation Model. <https://psycnet.apa.org/doiLanding?doi=10.1037%2Fcou0000077>; Smith, W.A. et al. The Impact of Racial Microaggressions Across Educational Attainment for African Americans. *Journal of Minority Achievement, Creativity, and Leadership* 25 August 2020; 1 (1): 70-93. doi: <https://doi.org/10.5325/minoachic-realead.1.1.0070>; O'Keefe, V. M., et. al. Seemingly Harmless Racial Communications Are Not So Harmless: Racial Microaggressions Lead to Suicidal Ideation by Way of Depression Symptoms (2014) <https://onlinelibrary.wiley.com/doi/10.1111/sltb.12150>.

8 Nelson, Alan. "Unequal treatment: confronting racial and ethnic disparities in health care." *Journal of the national medical association* 94.8 (2002): 666; Department of Health and Human Services: Mental Health, Culture, Race, and Ethnicity - A supplemental Report 1999.



CIVIL RIGHTS DOCKET UPDATE

HAIR RELAXER LITIGATION

The nationwide litigation effort to hold hair relaxer companies responsible for gynecologic cancers caused by their products continues. Over eight thousand women, represented by over 100 different law firms, have filed cases that have been assigned by the courts to be developed together as a Multidistrict litigation (or “MDL”) before one federal judge, Hon. Mary Rowland in Chicago, Illinois.

Discovery – the legal term for formal evidence collection in a lawsuit – is fully underway in the MDL. On January 18, 2024, plaintiffs and defendants submitted a Joint Status Report, which informed the court on happenings within the discovery process. Progress is being made and plaintiffs are pushing back on defendants’ delay and deterrence tactics. On January 22, 2024, plaintiffs submitted a statement regarding key discovery disputes that still exist. Plaintiffs reported to the court that defendants have not: 1) identified all ingredients in each of the hair relaxer products in question, 2) declared the locations that have been searched for the required documents, and 3) answered all interrogatories (or written questions) that have been served to them. Judge Rowland set February 29, 2024 as the deadline for defendants to finalize and complete all production in response to the first round of written discovery.

Fact discovery closes on January 17, 2025 and Judge Rowland ruled that “Case Education Day” or “Science Day”, where the parties present their scientific evidence, will occur after the end of fact discovery. Please stay up to date by visiting hairrelaxercase.org.

CAMP LEJEUNE

Many people of color spent time at Marine Corps Base Camp Lejeune in North Carolina between August 1953 and December 1987. In 2022, Congress recognized that exposure to contaminated water at Camp Lejeune caused many illnesses, and passed the Camp Lejeune Justice Act to allow veterans and civilians who suffered from such illness to file claims for damages. These claims are progressing quickly in North Carolina federal court, with Elizabeth Cabraser of Lief Cabraser serving as one of the court-appointed Co-Lead Counsel for Plaintiffs. Trials for certain illnesses may begin as early as this spring. Plaintiffs’ counsel hope that these trial will lead to settlement negotiations for all claimants. The government just released a [new study](#) further confirming the link between contaminated water at Camp Lejeune and many cancers, which will be important to the litigation. Plaintiffs’ leadership counsel keeps the public updated on all case developments on this [webpage](#).

Exposure to the water at Camp Lejeune has been found to cause many types of cancers, Lou Gehrig’s disease/ALS, as well as birth defects and negative birth outcomes. Anyone who thinks exposure at Camp Lejeune might have caused an illness—to themselves or to a deceased loved one—can file an administrative claim with the Navy. If the Navy does not respond for six months, they can file a claim in court using a simplified Short Form Complaint. We recommend speaking with an attorney before taking any action, as the information provided to the Navy can limit damages in a lawsuit. More information can be found [here](#).

JACKSON, MISSISSIPPI AND BENTON HARBOR, MICHIGAN LEAD WATER CRISIS CASES


Lead is a toxic metal that causes severe health consequences, especially in children. There is [no safe level of exposure to lead](#).

Proposed class actions have been filed on behalf of residents of Jackson, Mississippi and Benton Harbor, Michigan alleging residents have consumed lead-contaminated water in their public water supply through the actions and failures of their elected officials and private companies.

In Benton Harbor, Michigan, plaintiffs successfully defeated the State of Michigan’s motion to dismiss the case in the Court of Claims. In federal court, the claims are moving forward against the City of Benton Harbor. The defendants have appealed both these orders in favor of plaintiffs. A third proposed class action has been filed in Michigan state court against the private engineering companies and City defendants. The City defendants have filed a motion arguing plaintiffs’ claims are untimely and plaintiffs will oppose this motion.

In Jackson, on February 5, 2024, the federal court judge dismissed plaintiffs’ constitutional claims and plaintiffs are evaluating next steps regarding these claims. However, plaintiffs’ negligence claims move forward against the City of Jackson and the private engineering company and the case continues.

To learn more, please visit: [Benton Harbor](#), and [Jackson](#).



SOCIAL MEDIA HARMS TO CHILDREN AND TEENS

In 2023, both the Surgeon General and the American Psychological Association put out health advisories on the harmful impact social media use can have on our youth. These harms include anxiety and depression, eating disorders, self-harm, and suicidal behavior. Social media use, however, may differ by race, ethnicity, and gender. As recently reported by the [New York Times](#), a new study by Pew found “Black and Hispanic teenagers ages 13 to 17 spend far more time on most social media apps than their white peers. One-third of Hispanic teenagers, for example, say they are ‘almost constantly’ on TikTok, compared with one-fifth of Black teenagers and one-tenth of white teenagers. Higher percentages of Hispanic (27 percent) and Black teenagers (23 percent) are almost constantly on YouTube compared with white teenagers (9 percent); the same trend is true for Instagram.” Social media thus can disproportionality impact the mental well-being of Black and Hispanic teenagers. If you are concerned about

the impact of social media on your child’s self-esteem and mental health, please consult the Surgeon General’s advisory at <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>. For more information about lawsuits against the social media companies for harms caused to youth, please click [here](#).

NECROTIZING ENTERCOLITIS (NEC) IN BABIES FED COW-MILK INFANT FORMULA

[NEC](#) is the most common, serious gastrointestinal disease affecting newborn infants. Preterm and low birth weight babies have a higher risk of NEC. LCHB represents families whose children suffered by using this product.

The potentially lethal disease NEC in preterm and low-weight infants has been linked to the use of cow-milk based formula, including Similac and Enfamil. Despite the strong medical evidence establishing the extreme dangers that cow-based products pose for premature infants, manufacturers have marketed and continue to market their cow-based products as an equally safe alternative to breast milk, and

indeed have promoted their products as necessary for additional nutrition and growth. Formula companies have historically targeted women of color and systemic and structural barriers, including racism, have resulted in Black and Hispanic families using formula (rather than breastfeeding) at higher rates than white families. To learn more, please click [here](#).

TALCUM POWDER LITIGATION

Johnson & Johnson marketed talcum powder to women and girls, especially women and girls of color, for decades for personal hygiene use and as a method of absorbing moisture. Tens of thousands of lawsuits have been filed by women alleging Johnson & Johnson’s baby powder and Shower to Shower products caused their epithelial ovarian cancer. As alleged in the lawsuits, the ovarian cancer risks were concealed from consumers, a “failure to warn” that has led to injuries and deaths from talc exposure. LCHB represents women who suffered ovarian cancer after use of this product. For more information, please [click here](#).

MEET OUR LEGAL TEAM



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