



INAUGURAL ANNUAL REPORT FOR THE  
COMMISSION ON THE SOCIAL  
STATUS OF BLACK MEN AND BOYS

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# Message from the Chair

## Representative Frederica S. Wilson



The Commission on the Social Status of Black Men and Boys is the culmination of U.S. Congresswoman Frederica S. Wilson's (D-FL) work to empower our black men and boys. For several sessions of Congress, she worked closely with Senator Marco Rubio (R-FL) to draft and advance legislation to establish this bipartisan commission. As state legislators, they also worked together to establish the bipartisan Florida Council on the Social Status of Black Men and Boys. And, as an elementary school principal, she established the 5000 Role Models of Excellence Project to provide mentorship for black male students and a continuum of services spanning from elementary school to high school, as well as college scholarships.

Congresswoman Wilson (D-FL) authored bill H.R. 1636 (Commission on the Social Status of Black Men and Boys Act) which passed in the House of Representatives in July of 2020. Congresswoman Wilson noted in her press release that the measure passed unanimously in the Republican-controlled Senate and "overwhelmingly" in the Democrat-controlled House of Representatives. The bill was signed into law by President Donald Trump.

The commission will explore "the social disparities that disproportionately affect black males in America," and make recommendations to address social problems affecting Black men and boys, Congresswoman Wilson said.

Another goal of the commission is to "interrupt the school-to-prison pipeline" and to improve the public's understanding of those things which make it "extraordinarily difficult for Black males to become upwardly mobile."

Congresswoman Wilson also noted her experience as a Florida state legislator when she collaborated with then-Florida House Speaker Marco Rubio to create the Florida Council on the Social Status of Black Men and Boys ([www.cssbmb.com](http://www.cssbmb.com)) in 2006.

The Commission on the Social Status of Black Men and Boys represents Wilson's commitment to creating opportunities for Black men and boys across the United States and expands upon the 5000 Role Models of Excellence Project, a Florida program founded by Wilson in 1993 in which male mentors intervene and provide Black boys with alternatives to lives of crime and violence and helps them become "good men in society."

# Message from Senator Marco Rubio



United States Senator Marco Rubio (R-FL) introduced and passed bill S.2163 in the Republican-controlled Senate and applauded President Donald Trump for signing the Commission on the Social Status of Black Men and Boys Act (S.2163) into law. The new law establishes the Commission on the Social Status of Black Men and Boys within the United States Commission on Civil Rights' Office and is tasked with recommending policies to improve current government programs. Rubio partnered with Representative Frederica Wilson (D-FL) to usher the bill through the House and Senate in 2020.

"America is more successful when its citizens have equal access to economic opportunity and prosperity, and this is particularly relevant for young black men," Rubio said. "For too long, our nation has ignored this challenge. I am grateful for Representative Frederica Wilson, and her decades-long partnership on these critical issues, and I applaud the President for signing our bill into law."

"Now more than ever, it is imperative that we take action to address the racial inequities that continue to plague our nation," Rubio continued. "As we confront the challenges of the 21st century, we will need to rely on the talents and contributions of every American. I look forward to the work the Commission will do to address the racial and economic disparities affecting our communities today."

## Meet the Director, Mark Spencer, Esq.



Mr. Spencer is a native of Maryland and has earned a Juris Doctor from the Washington College of Law, The American University, Washington, D.C., a Bachelor of Arts, Mass Communications, St. Bonaventure University, Olean, N.Y., and was a Rhodes Scholar Nominee. Mr. Spencer has been an attorney with more than 30 years of experience as a criminal prosecutor, public policy expert, senior manager and private sector advocate. Mr. Spencer serves as chief advisor in Prince Georges County on legal questions concerning agency operations and legislative matters and is responsible for reviewing agency policies for legality, make recommendations for corrective actions, policy revisions and improvements.

Mr. Spencer has extensive experience managing lawyers and support staff. He is the principal liaison for elected officials, judges, law enforcement officials, attorneys and news media. He oversees staff training and development and created office policies for handling critical operations. He has served as a lifelong mentor and advisor to young men.

We have no doubt that Mark Spencer will be an outstanding Director leading the Commission on the Social Status of Black Men and Boys in carrying out its mission to alleviate and remedy the social challenges impacting Black Men and boys in our nation.

# Introduction

On August 14, 2020, the Commission on the Social Status of Black Men and Boys Act (S.2163 or “the Act”) established the Commission on the Social Status of Black Men and Boys (CSSBMB) within the United States Commission on Civil Rights’ Office of the Staff Director.

The new Commission is tasked with studying conditions affecting Black men and boys and recommending policies to improve upon, or augment, current government programs. Introduced in the House by Congresswoman Frederica S. Wilson (D-FL) and cosponsored by Senator Marco Rubio (R-FL) in the Senate, the bill was unanimously passed on June 25, 2020.<sup>1</sup>

The CSSBMB is an independent, bipartisan, non-Congressional Federal Commission that has 19 members, and hosts quarterly meetings that are open to the public. As part of its mandate, the CSSBMB will issue an annual report at the end of each calendar year that will be available to the President and the public to inform them of the most pressing issues affecting Black men and boys in the United States.

# Introduction

## Mission

As detailed in Section 5 of the Act, the CSSBMB's mission is to "conduct a systematic study of the conditions affecting Black men and boys, including homicide rates, arrest and incarceration rates, poverty, violence, fatherhood, mentorship, drug abuse, death rates, disparate income and wealth levels, school performance in all grade levels including postsecondary education and college, and health issues." <sup>2</sup> The CSSBMB will examine trends regarding Black males and report on the community impacts of relevant government programs within the scope of such topics. Lastly, CSSBMB will also propose measures to alleviate and remedy the underlying causes of the conditions described in the statute, which may include recommendations for changes to the law, how to implement related policies, and how to create, develop, or improve upon government programs.

The CSSBMB's five subcommittees will fulfill this mission by conducting investigations and undertaking rigorous research projects to inform the development and creation of new programs, policies, and legislation that will, over time, enable all Black men and boys to reach their full potential in becoming productive citizens. The five subcommittees are:

- Justice and Civil Rights
- Education
- Housing
- Labor and Employment
- Health and Healthcare <sup>3</sup>

To elaborate briefly, the Education Subcommittee relies heavily on peer-reviewed research to innovate strategies for dismantling the school-to-prison pipeline. Similarly, empirical evidence is central to the Justice and Civil Rights Subcommittee's efforts to reform a criminal justice system that discriminates against Blacks.

Likewise, the Housing Subcommittee's interrogation of a range of housing issues – including homelessness, access to affordable housing opportunities, gentrification, and barriers to homeownership for Black families – is based on reams of data, as are the Labor and Employment Subcommittee's recommendations for improving job opportunities among Black men and boys. Lastly, ample research informs the Healthcare Subcommittee's strategies for improving health outcomes for the same cohort.

More details and some preliminary research on each of these subcommittees' focus areas can be found in Section II of this report.



# Organizational Structure

## Meet The Commissioners

The bipartisan, 19-member Commission consists of congressional lawmakers, executive branch appointees, subject matter experts, activists, and other stakeholders who were appointed to examine social disparities affecting Black men and boys in the United States. The Commissioners are appointed by the President of the United States, Congress, Cabinet Members, and the U.S. Commission on Civil Rights' Staff Director. The below section details each of these Commissioners and the expertise they bring to the Commission.



## U.S. Representative Frederica Wilson

Commissioner Wilson has distinguished herself as a fierce advocate for hardworking families to ensure that they have equal access to ladders of opportunity. She is an influential and impassioned voice in the fight for sensible gun control measures. The Florida lawmaker introduced the Commission on the Social Status Act and fought relentlessly for this landmark legislation to become law. As a former elementary school principal, board member, state legislator, and founder of the 5000 Role Models of Excellence Project, Congresswoman Wilson has earned a reputation as a “Voice for the Voiceless,” but it is the voices of Black men and boys that have resonated the loudest for her. Commissioner Wilson founded the 5000 Role Models of Excellence Project 30 years ago, to nurture and encourage Black boys to believe in themselves and realize their enormous potential. She has sent thousands of young men to college and other post-secondary opportunities and raised millions of dollars for scholarships.



## Commissioner Reverend Al Sharpton

Commissioner Sharpton is an internationally renowned civil rights leader and founder and President of the National Action Network (NAN). For decades, he has dedicated his life to the fight for justice and equality, turning the power of dissent and protest into tangible legislation impacting the lives of the disenfranchised. As head of NAN, Rev. Sharpton has taken the teachings of the Rev. Dr. Martin Luther King, Jr. and applied them to a modern civil rights agenda. He has been a tireless advocate for everything from police reform and accountability to protection of voting rights and education equality. Reverend Sharpton has been at the forefront of the modern civil rights movement for nearly a half century. He has championed police reform and accountability, calling for the elimination of unjust policies like “Stop-and-Frisk.”



## Commissioner Laurence Elder

Commissioner Elder is an American talk radio host, author, politician, and attorney who hosts The Larry Elder Show. The show began as a local program on Los Angeles radio station KABC in 1993 and ran until 2008, followed by a second run on KABC from 2010 to 2014. The show is nationally syndicated, first through ABC Radio Networks from 2002 to 2007 and then Salem Media Group since 2015. Elder has written nonfiction books and a nationally syndicated column through Creators Syndicate. He hosted the PBS program National Desk hosting segments Redefining Racism and Fresh Voices from Black America. His vision includes support for police officers, ending “early release” programs for prisoners, backing charter schools, and making the cost of living more affordable.



Commissioner Dr. Joseph E. Marshall Jr.

Commissioner Marshall is an educator, lecturer, and community organizer, who strives to eliminate or reduce physical and psychic violence in the lives of young people by promoting academic achievement and non-involvement with drugs. He is the Co-founder and Executive Director of Alive & Free / Omega Boys Club. The Alive & Free provides at-risk, inner-city youth a support system that functions as a surrogate family by encouraging and supporting them in their academic pursuits and helping send young men and women to college. On leave from the San Francisco Unified School District, where he was a teacher and administrator for twenty-five years, he gives motivational lectures throughout the country and serves on the advisory board of the Community Violence Prevention Program at the Harvard University School of Public Health. Dr. Marshall founded the Alive & Free Movement, which is dedicated to eliminating violence in the lives of young people worldwide.



Commissioner Kristen Clarke, Esq. J.D.

Commissioner Clarke is the Assistant Attorney General for Civil Rights at the U.S. Department of Justice. In this role, she leads the Justice Department's broad federal civil rights enforcement efforts and works to uphold the civil and constitutional rights of all who live in America. Assistant Attorney General Clarke is a lifelong civil rights lawyer who has spent her entire career in public service. Throughout her career, she has focused on work that seeks to strengthen our democracy by combating discrimination faced by African Americans and other marginalized communities. Commissioner Clarke speaks and writes regularly on issues concerning race, law and justice.



Commissioner Thomas M. Colclough

Commissioner Colclough is Director of Field Management Programs for the U.S. Equal Employment Opportunity Commission. Colclough began his career with the EEOC in 1988 while still in college, and over the years moved steadily up the ranks from an investigator to supervisory and finally managerial roles as area director for the Raleigh Area Office, and subsequently deputy district director in Charlotte. A retired North Carolina National Guard lieutenant colonel, Colclough is a graduate of Saint Augustine's College, where he obtained a bachelor's degree in business administration. He also holds a master's degree from the University of North Carolina at Greensboro. An active participant in the agency's outreach and education programs, Colclough is an accomplished public speaker, regularly addressing employer groups, special emphasis groups, non-profits and student organizations. He also has supervised many important enforcement cases.



## Commissioner Richard Cesar

Commissioner Cesar serves as the Deputy Director of Intergovernmental Affairs at the U.S. Department of Labor (DOL), where he works closely with state, local, and tribal officials across the country to advance DOL's mission and priorities. Prior to joining DOL, he served as the Senior Public Policy and Program Manager for the Los Angeles County's Workforce Development Department, where he led the department's legislative, policy, and advocacy efforts and spearheaded multiple workforce and economic development initiatives to promote diversity and inclusion efforts. Prior to joining LA County, Richard worked as a public affairs consultant in California, primarily serving clients in the infrastructure, transportation, government, and political sectors, helping to craft and execute strategies for small business development, and develop and execute local hire, small business inclusion, and community engagement and monitor contractors' compliance with project labor contacts for multibillion-dollar infrastructure/transportation projects.



## Commissioner Dr. LaShawn McIver

Commissioner McIver is the Director for the Centers for Medicare and Medicaid Services' Office of Minority Health, serving as the principal advisor to the agency on the needs of racial and ethnic minorities, people with disabilities, members of the lesbian, gay, bisexual, and transgender community, individuals with limited English proficiency, and rural populations. She provides subject matter expertise to the CMS on minority health and health disparities and recommends strategies to address them, coordinates minority health initiatives for the agency and engages key stakeholders in the conversation. Health insurance, prevention, increasing access to healthcare, discrimination, and issues related to the FDA are just a few of the areas she covers.



## Commissioner Dr. Calvin Johnson

Commissioner Johnson is Deputy Assistant Secretary for Research, Evaluation and Monitoring at the United States Department of Housing and Urban Development (HUD). Located within HUD's Office of Policy Development and Research, he serves as one of the principal advisors to the Department's leadership on research, demonstration, and evaluation activities. He oversees a broad evaluation portfolio to include projects exploring the impact of housing on non-housing outcomes economic self-sufficiency, health and wellness, and educational achievement. Dr. Johnson's portfolio includes demonstrations, evaluations, and research covering a range of topics including housing discrimination, homelessness, aging in place, disaster resilience/recovery, community planning and development, and building science and technology.

Prior to joining HUD, Dr. Johnson served dual roles as the Associate Director of the Office of Research and Evaluation and the Performance Improvement Officer at the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA). While at CSOSA, he was principal advisor to the Director and technical and program advisor to the Criminal Justice Coordinating Council's federal stakeholders (CJCC U.S. Parole Commission, Superior Court for The District of Columbia, U.S. Attorney for the District of Columbia, and the Pretrial Services Agency for the District of Columbia). In his advisory role with the CJCC, he was responsible for managing a team of technical staff in delivering enterprise support for offender reentry program design and evaluation, operations research, performance management, and advance analytics. Dr. Johnson has also served in research, evaluation, and policy positions at the University of Pennsylvania, The Urban Institute, and with the Executive Office of the Mayor of the District of Columbia.



## Commissioner Dr. O.J. Oleka

Commissioner Oleka is the President of the Association of Independent Kentucky Colleges and Universities (AIKCU), which advocates for state and federal policies to expand affordability and access to Kentucky's independent colleges. His research focus is on college affordability, social capital, and workforce development. Dr. Oleka is passionate about ending generational poverty and recently co-founded the Anti Racism KY coalition, a group of Kentuckians working to end any remnant of institutional racism in Kentucky. Dr. Oleka has a proud record of sparking conversations surrounding equality and justice.



## Commissioner Marshall Dillard

Commissioner Dillard is the Principal at William Penn Elementary School in the Bakersfield City School District. Mr. Dillard is also the Vice President of the Driller to Driller Foundation which provides scholarship opportunities to promising students who have been overlooked by traditional funding sources. He also serves as the Chairperson of the African American Network of Kern County. He previously served as an administrator for Louise Sandrini Elementary School in the Panama-Buena Vista Union School District and is known as an educator who goes above and beyond. He spent decades in the classroom serving as an invaluable role model to countless students in the community, and never afraid to do what it took to reach his students, even if it meant being a bit of a goofball with them at times.



## U.S. Representative Joyce Beatty

Commissioner Beatty has had numerous pieces of legislation signed into law, including two measures to combat human trafficking, and another to empower college students to make more informed financial decisions. She also spearheaded legislation officially designating the National Veterans Memorial and Museum located in downtown Columbus, as well as a bill to make permanent the tax deduction permanent for out-of-pocket expenses paid by elementary and secondary teachers for supplies and expenses, and a measure to improve legal services for homeless and housing-insecure veterans experiencing or at risk of homelessness. Her advocacy proved critical to enacting a law to help more stroke victims gain access to fast, high-quality telemedicine.



## U.S. Representative Hakeem Jeffries

Commissioner Jeffries is a tireless advocate for social and economic justice. He has worked hard to help residents impacted by the devastation of the COVID-19 pandemic, reform the criminal justice system, improve the economy for everyday Americans and protect health care. He championed the “George Floyd Justice in Policing Act,” and while the legislation did not pass, Representative Jeffries remains dedicated to working with his colleagues to make transformational police reform a reality and breathe life into the principle of liberty and justice for all. He also played a key role in the House passage of the historic Music Modernization Act which improves the licensing process so that songwriters, artists and musicians can continue to share their creativity with the world.



## U.S. Representative Lucy McBath

Commissioner McBath has sought bipartisan solutions to end gun violence, uplift small business and our economy, protect and serve our nation's veterans, and lower the cost of healthcare and prescription drugs. Commissioner McBath knows how important it is to protect those with preexisting conditions and ensure that all Americans have access to quality, affordable care. She also, made protecting small businesses a priority, supporting legislation like the Paycheck Protection Program, helped provide more funding for the Small Business Administration's disaster lending program, ensuring that more small businesses have access to the money they need. McBath left her 30-year career as a flight attendant to become the national spokesperson and faith and outreach leader for two organizations: Everytown for Gun Safety and Moms Demand Action for Gun Sense in America.



## U.S. Representative Jamaal Bowman

Commissioner Bowman founded Cornerstone Academy for Social Action (CASA), a Bronx middle school focused on unlocking the natural brilliance of all children through a holistic curriculum, where he served as principal for a decade. At CASA, Bowman worked to center students' voices, cultural awareness, and love. He worked to ensure advanced student involvement in science, technology, engineering, art, and math. Bowman has also been an outspoken advocate for rethinking education, including ending state-sanctioned yearly standardized testing. He worked with Avenues The World School, Negus World, and Hip Hop Saves Lives to implement innovative design thinking and a social justice curriculum. He has also led efforts to educate elected officials on the impact of toxic stress on health and education outcomes.



## U.S. Representative Steven Horsford

Commissioner Horsford worked to bring the first of its kind workforce development program for youth and young adults to North Las Vegas. He helped to launch a food recovery program with Three Square and major employers like MGM Resorts to address food insecurity among needy children, families and seniors. He brings a principled focus on job creation, community development and skills development to Congress. He understands the challenges many families in Nevada's 4th District face each and every day and has pledged to fight for responsible gun control and background checks. Commissioner Horsford has also taken on the school to prison pipeline and worked to provide children and the safety net they need to succeed. He is committed to restoring public faith in American institutions.



## Commissioner Dr. Gerald Fosten

Commissioner Fosten is a member of the Office of Civil Rights Evaluation, with 15 years of experience as a public servant committed to helping people and communities make a difference by educating, encouraging, and improving the lives of others. He has a dedicated focus on government and public policy pertaining to marginalized and disenfranchised populations and experience mentoring and counseling at-risk and vulnerable populations in communities with fewer resources and unique challenges. Commissioner Fosten has engaged youths and adults in the education system, criminal justice system, nonprofit sector, and community organizations. Also, he has been employed in leadership positions in the private sector. Additionally, he is the author of a published book and many book chapters and scholarly journal articles related to policy issues dealing with equality, equity and fairness.



# Endnotes

<sup>1</sup> Commission on the Social Status of Black Men and Boys Act, Pub. L. No. 116-156, 134 Stat. 700 (2020).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

# Subcommittees and Program Areas

To fulfill the mission of the CSSBMB, many of the Commissioners also serve on one of the five subcommittees which are:

- Justice and Civil Rights
- Education
- Housing
- Labor and Employment
- Health and Healthcare

These subcommittees will aid CSSBMB in performing rigorous research that will lead to the development and creation of new programs, policies, and legislation enabling Black men and boys to reach their full potential and become productive citizens. Additionally, these studies will aid the Commissioners in proposing solutions to alleviate and remedy disparities in these five subject areas.

# Subcommittee on Justice and Civil Rights

## Overview

The criminal justice system's impact on Black males represents a formidable challenge to African American families. In its inaugural year, the Commission focused on bringing much-needed attention to the justice system, which included examining its impact on nearly every other social institution and its effects on the social condition of Black men and boys in the United States. In order to better understand the criminal justice system's dire effects, it is imperative to first understand the historical context.

Black prison admissions have consistently increased throughout most of the 20th and 21st centuries. Data indicate that Black Americans made up a smaller percentage of those sentenced to prison during the early part of the 20th century compared to more recent decades. In 1926, Black offenders represented 21 percent of prison admissions, compared to nearly half of all prison admissions during the 1980s and 1990s.<sup>4,5</sup> In 2022, Black Americans accounted for more than half of the prison population in a dozen states.<sup>6</sup> Moreover, recent research found that Black Americans are incarcerated in state prisons nationwide at nearly five times the rate of White Americans.<sup>7</sup>

Mass incarceration has had debilitating effects on Black men's ability to engage in the civic and political affairs that govern their lives, participate economically, compete in the workforce, and access social service benefits enjoyed by citizens of the United States.<sup>8</sup> Currently, it is estimated that one-third of Black men have felony convictions,<sup>9</sup> meaning that millions are not allowed to vote in congressional, presidential, state or local elections, or referendums to decide critical issues in their local communities (e.g., for mayors, governors, city councils, judges, school superintendents), or participate in other civic matters that can impact their families.<sup>10</sup> As a result of a criminal record, much like previous generations of Black men who endured slavery and Jim Crow segregation laws, many are still being denied the ability to self-determine outcomes in their lives that other American citizens take for granted.

Longstanding research shows that Black men and boys are disproportionately represented throughout all phases (e.g., policing, prosecuting, and sentencing) of the criminal justice system.<sup>11</sup> Current existing disparities began to widen during President Nixon administration and became especially prominent in drug conviction sentencing as part of the racialized deployment of the "War on Drugs." President Richard Nixon and President Ronald Reagan era's "War on Drugs" policies dramatically increased the size and presence of federal drug control agencies, and pushing through measures such as mandatory sentencing, "stop and frisk" and doubling down on tactics such as "no-knock warrants."<sup>12</sup> The over-criminalization of crack cocaine compared to powder cocaine was a major contributor to the rise in mass incarceration that began in the 1980s and 1990s.<sup>13</sup> Crack cocaine was penalized differently than powder cocaine due to crack cocaine being coded as a "Black drug" compared to powder cocaine, which was coded as a "White drug." Despite the fact that there is no chemical difference between crack and powdered cocaine, Black offenders who possessed 1 gram of crack cocaine were charged and sentenced, on average, to White offenders in possession of 500 grams of powder cocaine.<sup>14</sup> At its height, the "War on Drugs" incarcerated Black men at a rate approximately four times that of South Africa during apartheid.<sup>15</sup>

# Subcommittee on Justice and Civil Rights

## Overview Continued

Statistics show that the Black imprisonment rate nationwide (only counting inmates sentenced to more than a year in state or federal prison and excluding inmates held in local jails and those sentenced to shorter periods) was 2,261 inmates per 100,000 Black men in 2006, falling to 1,501 inmates for every 100,000 Black men by 2018—representing a 34 percent decrease (inmates per 100,000).<sup>16</sup> Despite this decline, in 2018, Black Americans represented 33 percent of the sentenced prison population, almost three times that of their share (approximately 13 percent) of the U.S. adult population.<sup>17</sup> By comparison, White Americans represented 30 percent of inmates or about half of their share (63 percent) of the U.S. population.<sup>18</sup> Breaking these numbers down further show that Black men between the ages of 35 and 39 have the highest overall rate of imprisonment at 5,008 inmates per 100,000 Black men in the age group.<sup>19</sup>

Black youths are also overrepresented in the criminal justice system. By age 18, 30 percent of Black boys have been arrested or have had some contact with the juvenile justice system.<sup>20</sup> Research further shows that Black youth have significantly longer lengths of incarceration and are punished more severely by juvenile justice authorities than are similarly situated White youth. Moreover, findings show that Black youth received disadvantaged court outcomes at 2 of the 3 decision-making stages (i.e., intake, judicial disposition, and adjudication). Black youth were treated harsher at intake and judicial disposition but received leniency at adjudication compared with similarly situated White youth.<sup>21</sup> These differences were the most apparent at the stage of judicial disposition or the court's final determination in relation to a criminal matter.<sup>22</sup>

According to the ACLU, 1 out of every 3 Black boys born in 2022 can expect to go to prison in his lifetime, as can 1 of every 6 Latino boys — compared with 1 of every 17 White boys.<sup>23</sup> Black youth are seven times more likely to get arrested than their White peers.<sup>24</sup> Black youth are also more than four times as likely to be detained or committed to juvenile facilities as their White peers.<sup>25</sup> By age 23, 49 percent of Black men have been arrested,<sup>26</sup> and are six times more likely to be incarcerated than White men.<sup>27</sup> Taken together, the disproportionate contact of Black men and the justice system adversely impact Black men and significantly impact their ability to attend school, graduate with a degree, secure stable employment, and participate fully in their communities.<sup>28</sup>

Researchers and criminal justice experts argue that the criminal justice system is not a “colorblind” or racial-neutral system, especially when it comes to arrests and sentencing. Criminologists, sociologists, and other social scientists point out that even though Black men and boys do not commit more drug-related crimes compared to other segments of the population, they are disproportionately arrested 3.64 times more than White men for marijuana.<sup>29</sup> Furthermore, in at least 70 jurisdictions nationwide Black people are arrested more than ten times that of other races.<sup>30</sup>

Black offenders are also sentenced 19.1 percent longer for the same offense than similarly situated White males.<sup>31</sup> Moreover, due to the harsh War on Drug policies, many major metropolitan areas implemented urban sentencing enhancement zones which establish tougher drug conviction penalties for possession of illegal drugs within a certain distance of schools.<sup>32</sup> In communities impacted by the War on Drugs, as many as 80 percent of young Black men now possess criminal records and are thus subjected to legally recognized discrimination for the rest of their lives.<sup>33</sup> Locked out from fully participating in mainstream society, politics, and the economy, these young men live a caste-like underclass and super-underclass existence.<sup>34</sup>

# Subcommittee on Justice and Civil Rights

## Overview Continued

The combination of disproportionate arrest rates, harsh sentencing practices, and the lasting impact of having a criminal record has significantly affected multiple generations of Black men. While a full discussion regarding the far-reaching effects of the justice system's discriminatory policies is beyond the purview of this overview report, the data presented below illustrates how the involvement with this institution has translated to widespread inequities among Black men and boys.<sup>35</sup>

## Historical Perspective

Prior to the end of the Civil War, state legislatures had begun to implement a two-tier set of statutes and laws — one for Whites and another for the enslaved Black population and “free people of color.” During this time, many southern states enacted legislation known as “Black Codes” or statutes that governed slavery, regulated the activities of free Blacks and abolitionists, and in some cases, provided provisions that allowed for the pursuit of freedom from slavery.<sup>36</sup>

While there was political and economic progress made by Black Americans after the Civil War and the ending of slavery, many laws directly following the war severely limited these advancements. For instance, some states implemented laws and codes that resulted in emancipated Blacks living in conditions similar to slavery. These practices include sharecropping, indentured servitude, and convict leasing which restricted the rights of emancipated slaves and worked to erase many newly won freedoms, and political and economic gains for the freedpeople.<sup>37</sup>

During the First Reconstruction period (1865-1877) that immediately followed the Civil War, many laws were passed that targeted crimes more commonly believed to be committed by Black Americans (e.g., vagrancy, loitering, and domestic abuse).<sup>38</sup> The Second Reconstruction period (1945-1968) following the end of World War II was marked by a shift in civil rights victories for Black Americans, including the passage of landmark legislation such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965.<sup>39</sup> However, these successes were short-lived. In 1965, President Lyndon B. Johnson declared a “War on Crime” that greatly expanded the role of the criminal justice system.<sup>40</sup> President Johnson signed into law the Omnibus Crime Control and Safe Streets Act of 1968 which resulted in a massive expansion in law enforcement programs and its effects have reverberated throughout the nation for decades.<sup>41</sup> This legislation was quickly followed by President Nixon declaring a “War on Drugs” in 1971, which dramatically increased the size and presence of federal drug control agencies (e.g., the Drug Enforcement Agency), pushed harsh sentencing measures (e.g., mandatory sentencing), and questionable policing practices (e.g., no-knock warrants).<sup>42</sup>

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## Historical Perspective Continued

John Ehrlichman, a top Nixon aide, years later stated:



*You want to know what this [War on Drugs] was really all about. The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people... We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news.<sup>43</sup>*



Nixon's draconian drug laws led to the explosion in incarceration rates. The Drug War expansion greatly accelerated during the Reagan presidency and the number of those incarcerated for non-violent drug offenses increased from 50,000 in 1980 to over 400,000 by 1997.<sup>44</sup> Concerns over illicit drug use continued throughout the 1980s, largely due to media portrayals of the "crack epidemic" and villainization of the Black community.<sup>45</sup>

Scholars have argued that much of the drug sentencing legislation passed over the past several decades are strikingly similar in effect to statutes of the First Reconstruction period and were intentionally designed to minimize Black political and economic advancements.<sup>46</sup> Throughout the nation's history, there is an observable pattern whereby opposition to Black political and economic advancement has resulted in stricter laws and harsher penalties for breaking laws. Law enforcement practices, harsh sentencing policies, and the resulting disenfranchisement of those who were previously incarcerated cannot be separated from larger social dynamics and racial politics.<sup>47</sup> Federal crime policies of the 1960s, 1970s, and 1980s, were crafted to address the alleged national dimensions of crime in a colorblind, or seemingly race-neutral fashion, with little regard for the racial ramifications of their policy choices.<sup>48</sup> Consequently, these laws have had extreme adverse impacts on the lives of Black men and boys for generations.

# Subcommittee on Justice and Civil Rights

## Laws, Policies, and Programs

Involvement with the criminal justice system often results in the loss of one’s civil rights, either for a determined period of time or permanently, and has been referred to as a type of “civil death.”<sup>49</sup> Historically, “civil death” is equivalent to modern disenfranchisement and was the fate of many criminals dating back to Greek and Roman times.<sup>50</sup> This practice existed in English colonial society, as individuals were essentially stripped of their civil rights and property and could face banishment from society—a status akin to death.<sup>51</sup> In the United States, the disenfranchisement of individuals convicted of a crime dates back to colonial times. Starting in the late 18th century and continuing into the Jim Crow era, many states have written restrictive provisions allowing for disenfranchisement into their constitutions.<sup>52</sup> For example, after the 15th Amendment granted the right to vote to Black men, several states enacted laws to disenfranchise individuals with criminal convictions.<sup>53</sup>

A contemporary manifestation of civil death – known as a collateral consequence—can be seen through the cessation of voting rights, inability to serve on a jury, or joblessness—especially those who were formerly incarcerated or with Black males with a criminal record. The American Bar Association defines collateral consequence as a collateral sanction or disqualification.<sup>54</sup>



*Collateral consequences are traditionally deemed civil sanctions, in that they curtail constitutional civil rights (particularly under the 13th, 14th, 15th, and 19th Amendments); civil statutory protections (such as under the Voting Rights Act); and eligibility for public benefits like food stamps and subsidized housing. Collateral consequences may serve public safety or regulatory purposes; examples include prohibiting convicted sex offenders from managing day care centers or forcing public officials convicted of bribery to resign from office. Some collateral consequences directly relate to the specific crime, such as driver’s license suspensions for people convicted of a serious traffic offense. Other collateral consequences apply regardless of any connection between the consequence and the nature or severity of the crime, how long ago the crime was committed, or the individual’s post-conviction record. The collateral consequences of criminal records can create an array of lifelong barriers that hamper successful reentry into society—including barriers to voting and other civic participation, education, employment, professional licensing, housing, and receipt of public benefits. These collateral consequences can profoundly affect individuals and families and their economic security.<sup>55</sup>*



Decades of disproportionate arrests and incarceration rates have yielded alarming results. The Department of Justice estimates that between 70 and 100 million adults in the U.S. have a criminal record, which could include a felony conviction, a misdemeanor, or an arrest without a conviction.<sup>56</sup> According to the National Inventory of Collateral Consequences of Convictions (NICCC), more than 44,000 collateral consequences exist nationwide that continue to punish people with felony records long after the completion of their sentence as well as many individuals with criminal records but no conviction.<sup>57</sup>

# Subcommittee on Justice and Civil Rights

## Mass Incarceration as Social Policy

According to Sociology Professors Jeff Manza and Christopher Uggen, mass incarceration and felony disenfranchisement became a deliberate social policy instrument designed to manipulate political and economic outcomes.<sup>58</sup> Similarly, Michelle Alexander, civil rights litigator and legal scholar, argues that these “stealthy and coordinated policy schemes were developed and put into practice quickly with objectives of thwarting civil rights advancements made by African Americans as mandated by the Voting Rights Act, Civil Rights Act, segregation-ending, and other landmark legislations.”<sup>59</sup> While incarceration rates are due to a variety of factors throughout U.S. history, Alexander posits that



*Convictions for drug offenses are the single most important causes of the explosion in incarceration rates in the United States... more than 31 million people have been arrested for drug offenses since the war on drugs began. Nothing has contributed more to the systemic mass incarceration of people of color in the United States than the War on Drugs.*<sup>60</sup>



Three decades after the war on crime began, mass incarceration and the prison industrial complex<sup>61</sup> in the United States emerged as strikingly effective and well-planned systems of racialized social control that function in a manner parallel to Jim Crow.<sup>62</sup> As a result of their disproportionate interactions with the criminal justice system, Black men endure lifelong consequences.

Additionally, the connection between the justice system and social policy is directly influenced by how a societal issue is framed and defined. For instance, during the height of the crack epidemic, drug abuse was not viewed and framed as a public health issue. Rather, it was presented as a crime problem. Conversely, in the more recent opioid epidemic, depending on the opioid changes the frame of the individual as either a “criminal” who needs to be incarcerated versus an individual who is “mentally ill” and in need of rehabilitation. For instance, in the 2000s, there was a distinct contrast in the portrayal of “criminalized urban Black and Latino heroin injectors with sympathetic portrayals of suburban white prescription opioid users.”<sup>63</sup> Researchers found that this media coverage helped to draw “a symbolic, and then legal, distinction between (urban) heroin addiction and (suburban and rural) prescription opioid addiction that is reminiscent of the legal distinction between crack cocaine and powder cocaine of the 1980s and 90s.”<sup>64</sup> This distinction reinforces the racialized deployment of the War on Drugs and thus, who is labeled a “criminal” versus “mentally ill” which has greatly influenced incarceration rates for decades.

In May 1995, the Federal Sentencing Commission recommended that Congress abandon the provisions of the Anti-Drug Abuse Act that penalize crack offenders more severely than any other type of drug law violator.<sup>65</sup> As discussed above, crack sentencing guidelines, while facially race-neutral, were knowingly applied in a race-specific manner targeting Black Americans.<sup>66</sup> The Sentencing Commission’s recommendations were ignored by lawmakers and resulted in the overextension of the criminal justice system which heavily contributed to the rise of mass incarceration. As a result, these policy decisions further criminalized the issue of drug abuse, leading to devastating effects on the Black community, and shaped the socioeconomic conditions for Black families for decades.<sup>67</sup>



# Subcommittee on Justice and Civil Rights

## Mass Incarceration as Social Policy Continued

The War on Drugs had predictable outcomes and foreseeable adverse effects resulting in mass arrests and incarceration of countless Black men and boys. Elected officials are eager to pass “tough-on-crime” legislation that has led to discriminatory policies and practices (e.g., stop-and-frisk, pretrial detention, mandatory sentencing requirements) all in the name of “public safety.” Assistant Professor of Political Science and Director of the Forum on Race and Public Policy at Colgate University, Nina Moore states:



*As for policy preferences, voters want lawmakers to prioritize policies that bolster greater efficiency in the criminal justice system over and above policies that foster greater racial parity within the system. They are not nearly as interested in eliminating racial influences as they are and getting rid of crime. And when forced to choose between the two, anti-crime policy wins. The public’s specific criminal justice policy preference is to strengthen the justice system’s crime-fighting capacity and to do so both by increasing the penalties for criminals and by preventing crime. There is an ever-growing sense among Americans that criminals get off too easily and are too often coddled by the system.<sup>68</sup>*



## Reentry and Stigmatization

For formerly incarcerated individuals, successful reentry into society requires being able to meet basic needs such as food, health care, and housing, as well as access to employment and training services.<sup>69</sup> Black men with or without criminal records or convictions face discrimination and systemic institutionalized oppression in both the public and private sectors related to education, housing, and employment. Black men with felony convictions fair even worse, and experience collateral damage in many forms. For example, Black men with drug-related felony convictions are denied or restricted from student loans, subsidized housing, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and many other services.<sup>70</sup>

Currently, no federal data exist on the number of people with criminal records living in the United States.<sup>71</sup> The FBI considers anyone who has been arrested on a felony charge to have a criminal record, even if the arrest did not lead to a conviction.<sup>72</sup> Conversely, others view a criminal record as “a history of someone’s convictions.”<sup>73</sup> Many people falsely associate an arrest with a guilty conviction. For this reason, critics contend that the FBI’s criminal record statistics may not provide an accurate depiction of how many individuals in the U.S. have a criminal record, because the number of individuals arrested and found not guilty compared to individuals found guilty or convicted of a crime, are not differentiated.

# Subcommittee on Justice and Civil Rights

## Reentry and Stigmatization Continued

Regardless of which definition is used, a past criminal record can result in an individual being stigmatized or acquiring “negative credentials” which can have significant and lasting impacts post-conviction. Sociologist Devah Pager describes this credentialing process as:



*The state in this way serves as a credentialing institution, providing official and public certification of those among us who have been convicted of wrongdoing. The “credential” of a criminal record, like educational or professional credentials, constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economic, and political domains. Unfortunately, for the vast majority of individuals with a criminal past, particularly men of color, the idea of ever achieving the “American dream,” in reality, becomes a nightmare.<sup>74</sup>*



Research has also shown that any interaction with the justice system, even for a misdemeanor or arrest without conviction, can have devastating consequences for the individual.<sup>75</sup> In some regions of the nation, periodic tabloid publications with details of recent arrests are sold over the counter at neighborhood convenient markets. Moreover, this stigma can affect all areas of an individual’s life due to the public’s ability to access police records that are available through online repositories and are accessible by employers, landlords, creditors, and other interested parties.

# Subcommittee on Justice and Civil Rights

## Missed Opportunities or Intended Consequences

Professor Nina Moore asserts, “The race problem in the criminal justice system endures because the public, and policymakers enable it.” If the goal is to strike a balance and correct intergenerational effects, disparate outcomes, and adverse impacts on Black Americans caused by patterns of both intentional and unintentional discrimination and oppression, future justice policy approaches will have to acknowledge and atone for the nation’s historical practices of state-authorized and state-supported enslavement, and post-slavery systemic racial discrimination. Furthermore, beyond policy changes, there is also the need to address implicit bias and the social perception of Black men.

Negative perceptions of Black men as “thugs” or “threatening” are pervasive and shape Black men’s experiences when interacting with law enforcement. Moore explains that “the potential for mutual partnership between Black communities and police officers is arguably minimized by the fact that the latter disproportionately regards the former as criminal.” Similarly, other scholars simply state: “Black men are especially singled out as dangerous, threatening and inferior.” These perceptions thus contribute to the over-policing of Black communities and when interactions with law enforcement occur, they are often more violent and too often, deadly. Conversely, when examining differential treatment from law enforcement between Black and White individuals, some scholars argue that the issue is not necessarily over-policing, but rather a far less helpful version of policing. According to national data, Black individuals’ rate of contact with the police is not substantially different from White individuals’ rate of contact with the police, which runs counter to allegations of over-policing. Research suggests that the police are just as likely to initiate contact with a Black person as they are a White person, however, police interactions with Black individuals are significantly more violent and potentially more deadly, than police interactions with White individuals.

Other inflection points between Black individuals and law enforcement involve what experts have called the “driving while Black” phenomenon. This term was popularized during the 1990s to bring attention to the practice of law enforcement intentionally targeting Black motorists under the auspices of trying to curb drug trafficking.<sup>82</sup> Examining recent national data, Moore argues that it is not necessarily how often Black drivers are stopped by the police, rather, it is the officer’s disproportional use of heavy-handed and intrusive tactics during stops involving Black drivers and passengers.<sup>83</sup> Stated more directly, she argues it is not the *frequency* in which these interactions occur, but the differences in *behavior* at these points of contact.<sup>84</sup> While Moore’s research may run counter to the data that suggest Black motorists are stopped at higher rates,<sup>85</sup> she is correct that a simple traffic stop may more easily escalate into an arrest, violence, or even deadly encounter compared to non-Black motorists. Moreover, these troubling behaviors are not isolated to motorists and are a pattern that can be seen throughout many interactions between Black Americans and law enforcement.

Since the 1970s, public policy has focused on how to reduce crime rather than how to address racial inequities within the justice system and the collateral consequences that follow as a result of criminal justice policies. This trend has continued and runs counter to the public perception that law enforcement agencies across the nation are decreasing and are being defunded in the post-George Floyd era.<sup>86</sup> According to Police Blue Nation, in 2021 there were more than 900,000 sworn law enforcement officers with arresting powers in the United States, representing the largest number of sworn law enforcement in this nation’s history.<sup>87</sup> This does not include the nearly 350,000 non-sworn officers and deputies with limited or no arresting powers and non-sworn employees.<sup>88</sup> Increased attention and scrutiny on the justice system has ushered in more calls for fairness and increased law enforcement accountability. As the U.S. Commission on Civil Rights wrote in 1981: “The price of police protection must not be the relinquishment of civil rights.”<sup>89</sup>

# Subcommittee on Justice and Civil Rights

## Future Investigations

While a full discussion of the institutional and structural factors that contribute to Black Americans' overrepresentation and differential treatment in the criminal justice system is beyond the purview of this inaugural report, this overview provides an early framework that will shape the Commission's future work. The protection of an individual's civil rights throughout each stage of the justice system demands close examination. Additionally, the behavior and practices of agents such as law enforcement, prosecutors, and criminal-court judges should be examined to expose implicit (and possibly explicit) bias and racial stereotypes. For instance, Marc Mauer, Executive Director of The Sentencing Project, states "prosecutors charged [B]lack men with offenses carrying mandatory penalties twice as often as they did comparable [W]hite men."<sup>90</sup> These offenses are also more likely to carry heavier sentences.<sup>91</sup> Judges are more likely to sentence people of color than Whites to prison and jail and to give them longer sentences, even after accounting for differences in crime severity and criminal history.<sup>92</sup>

Racial inequality and disproportionality in the criminal justice system represent one of the greatest barriers to Black men and boys' efforts of obtaining full inclusion and equality. Barriers that Black men and boys encounter as a result of national and state criminal justice policies must be addressed if they are to achieve measurable parity and equality comparable to their peer groups. The criminal justice system has served, and continues to serve, as an institution with extreme significance in denying Black men civil rights and liberties.

The CSSBMB will continue its efforts to bring much-needed attention to the justice system and civil rights violations, strategies to combat inequities, and highlight the institution's impact in nearly every facet of life regarding the social condition of Black men and boys. As the discussion above has shown, policies that have led to the mass incarceration of Black men, and as a result, have denied Black men (and especially Black men with felony convictions) many of their constitutional civil rights.<sup>93</sup> Far too many Black men are unable to access and participate in civic matters such as voting, and as a result, decisions that determine their own fate. As a result of these interactions with the criminal justice system, much like previous generations of Black men who endured slavery and Jim Crow, many Black men and boys in the 21st century are denied the ability to self-determine outcomes in their lives, a right that many Americans take for granted.

## Overview

Public education is fundamental in providing equal opportunity for all children and has been invaluable in improving social conditions throughout the nation's history. Education has been traditionally thought of as the great equalizer in the American context, and its access is paramount to the later success of individuals. Given the importance of public education, it is necessary to ensure both equity and accessibility for every child. This goal of equity, however, has not been met in the United States, and its effects are disproportionately felt by children belonging to historically marginalized groups.

This section of the 2022 annual report provides an overview regarding educational disparities among students, specifically Black boys and men as well as compounding factors that need to be considered in order to increase equity, narrow the achievement gap, and increase educational performance outcomes. While a full discussion regarding educational inequities and disparities is beyond the purview of this report, this section will provide relevant data and studies to provide an overview of this very important topic.

A wealth of statistics reveals a steady increase in high school graduation rates;<sup>94</sup> with the national average increasing to 85 percent in the 2017-18 school year.<sup>95</sup> Moreover, students of color have closed the gap for some educational milestones, although disparities and gaps persist.<sup>96</sup>

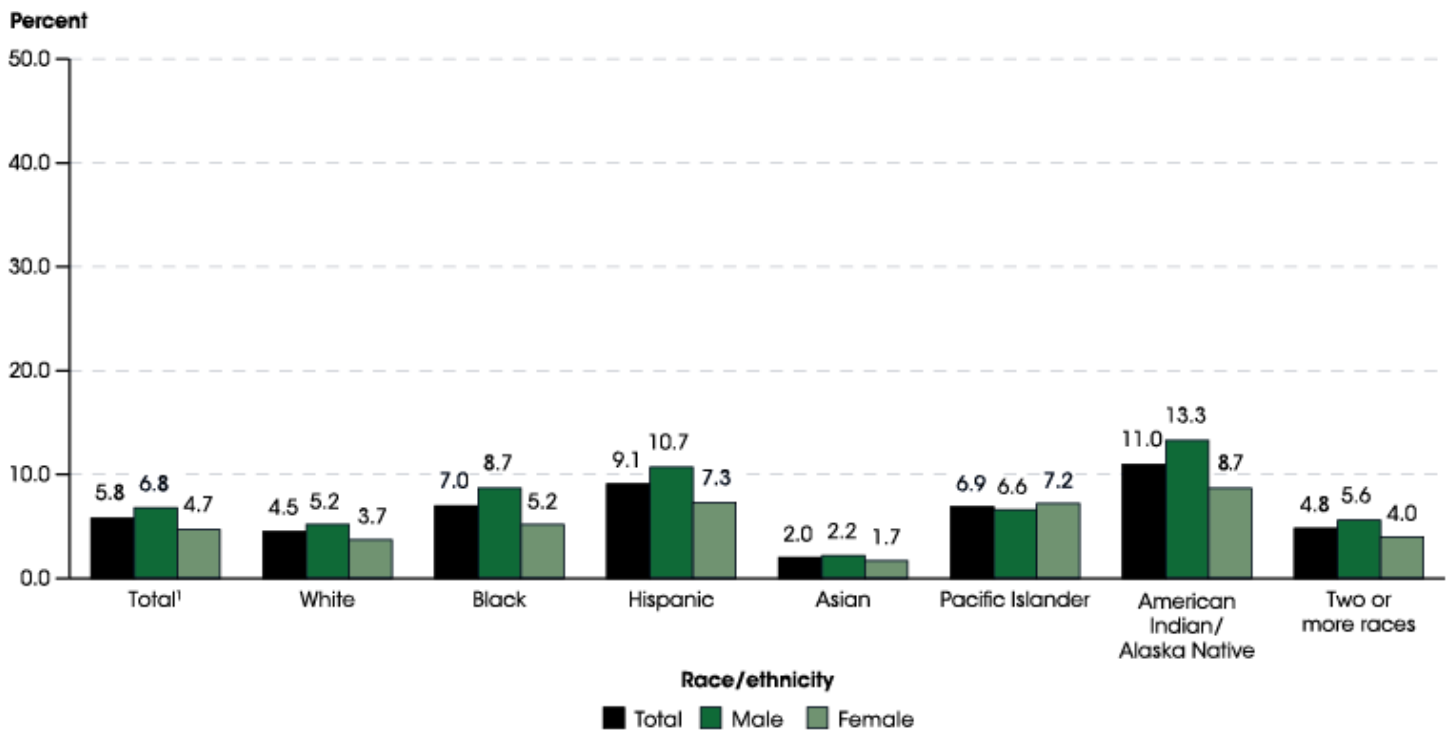
School districts are mandated to track and report high school graduation rates and provide disaggregated data for many subgroups of students (e.g., by race/ethnicity, disability, English learners, economically disadvantaged). These data can then be used by the Department of Education to evaluate possible disparities and target programs to increase equity; however, reliable high school graduation rates by gender are not available at a national level.<sup>97</sup> Furthermore, states have been known to count students with disabilities who receive a regular diploma through alternative requirements in different ways, and sometimes states do not.<sup>98</sup> Due to the lack of disaggregated data, knowing the exact percentages for the Black male graduation rate is hard to determine. For instance, some reports say the gap is closing, while others report that the graduation gap is widening.<sup>99</sup> While studies show that the Black male high school dropout rate has decreased over the past decade, data also suggest that more Black males graduate from high school with an alternate diploma (i.e., signifying the completion of high school but not meeting all the requirements for a standard diploma) than White male students.<sup>100</sup>

Alternate diplomas, alternative exit documents, or similar credentials may include the following: individualized education plans (IEP), High School Equivalency Certificate (HSEC) or General Educational Development (GED), High School Equivalency Test (HSET), special education diploma, Certificate of Completion, Certificate of Achievement, and various other certificates. Completion of high school with less than a standard diploma suggests that many young Black men are not receiving a high-quality public education that meets their needs.<sup>101</sup>

## Overview Continued

The National Center for Education Statistics (NCES) found that in 2016, approximately 2.3 million 16- to 24-year-olds were not enrolled in high school and had not earned a high school diploma or a general educational development (GED) certificate in 2016. Breaking these numbers down by race/ethnicity shows that the dropout rate for Black men in this age range was 8.7 percent, which was higher than the White average of 5.2 percent, but lower than the Latino average of 10.7 percent (see Figure 1).

**Figure 1: Status Dropout Rates Of 16- To 24-Year-Olds, By Race/Ethnicity And Sex (2016)**



Source: U.S. Department of Education, National Center for Education Statistics.

<sup>1</sup>Includes other racial/ethnic categories not separately shown.

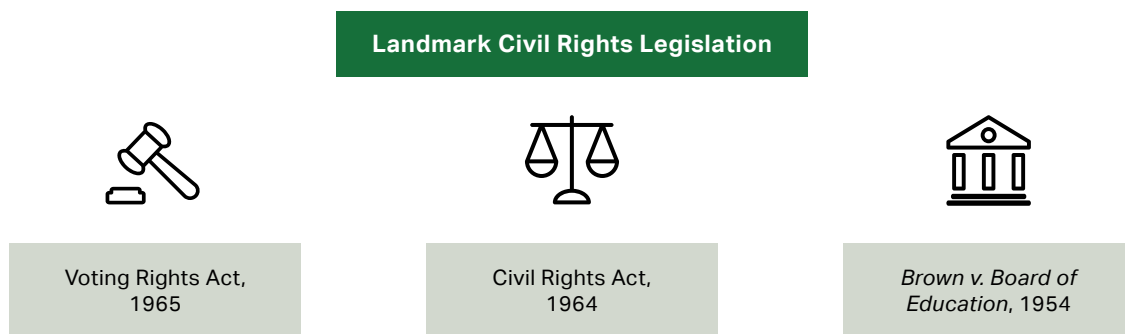
NOTE: This figure uses a different data source than figure 1 in this indicator; therefore, estimates are not directly comparable to the estimates in figure 1. The status dropout rate is the percentage of 16- to 24-year-olds who are not enrolled in school and have not earned a high school credential (either a diploma or an equivalency credential such as a GED certificate). Data are based on sample surveys of persons living in households, noninstitutionalized group quarters (such as college and university housing, military quarters, facilities for workers and religious groups, and temporary shelters for the homeless), and institutionalized group quarters (such as adult and juvenile correctional facilities, nursing facilities, and other health care facilities). Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded estimates.

SOURCE: U.S. Department of Commerce, Census Bureau, American Community Survey (ACS), 2016. See Digest of Education Statistics 2017, table 219.80.

Racial disparities in graduation rates for Black boys and men are due to many factors, including structural inequality, systemic racism, and implicit bias in the educational system.<sup>102</sup> According to the data, Black men who graduate from high school have higher wages, lower unemployment rates, and are less likely to need public assistance compared to those who do not graduate.<sup>103</sup> Research also shows that the long-term physical and mental health of Black men and boys is better if they graduate from high school.<sup>104</sup> Moreover, low levels of educational attainment, is increasingly linked to crime and welfare dependency.<sup>105</sup> In a 2004 study, researchers found strong correlations between crime, incarceration, and education and showed that successful schooling significantly reduces criminal activity.<sup>106</sup>

## Historical Data

The Black-White racial gap in educational attainment started to narrow in the beginning of the 20th century. Prior to the 1960s, scholars found that there was a substantial increase in educational achievement, specifically in the subjects of reading and mathematics. Barton and Coley (2010) demonstrate that gaps in educational achievement began to narrow around 1910, but progress in narrowing the gap came to a sudden halt for those born after the mid-1960s.<sup>108</sup> The researchers argue that this stagnation was the product of many events that occurred during this time frame. Specifically, this time period was marked by major civil rights legal victories such as the 1954 Supreme Court decision in *Brown v. Board of Education*, which established racial segregation in public schools was unconstitutional.<sup>109</sup> This period was also marked by significant civil rights legislation, including the Civil Rights Acts of 1964, which prohibited discrimination based on an individual's race, color, religion, sex, or national origin, and the 1965 Voting Rights Acts, which strengthened federal protections against voting discrimination.<sup>110</sup> The first administration of the National Assessment of Educational Progress (NAEP) would soon occur in 1969 measuring what students in the United States know and can do in various subjects.



Immediately following the Civil Rights era, the United States saw a significant increase in legislation devoted to crime and propelled the astronomical growth of the current prison industrial complex that greatly affected educational attainment, especially among young Black men.<sup>111</sup> Instead of primarily focusing and investing in education, the state prioritized investments in incarceration. Nationwide, during the 1980s, federal, state, and local expenditures for corrections grew by over 900 percent. Spending on prosecution and legal services increased by more than 1,000 percent, and prison populations more than doubled.<sup>112</sup> During the same decade, per pupil expenditures for schools grew by only about 26 percent in real dollar terms, and in some urban school districts, expenditures per pupils grew by an even smaller percentage.<sup>113</sup>

According to a 1993 National Institute of Health (NIH) report, there were more African Americans on probation, in jail, in prison, or on parole (1,985,000) totaled more than there were in college (1,412,000).<sup>114</sup> These policy choices contribute to educational achievement gaps.<sup>115</sup> For a more in-depth discussion regarding the criminal justice system and the impacts of mass incarceration, see the Justice Subcommittee overview in this report.

## Historical Data Continued

The link between learning difficulties and delinquency has been noted since the nineteenth century.<sup>116</sup> In 2008, the Government Accountability Office (GAO) found that the prevalence rate of youth who are extremely high-risk<sup>117</sup> for delinquency is estimated as being at 1–2 percent of the general population.<sup>118</sup> According to 2003 report (the most recent survey available), data from the National Assessment of Adult Literacy Prison Survey, revealed that more than half the adult prison population has literacy skills below what is required by the labor market,<sup>119</sup> and nearly 40 percent of adjudicated juvenile delinquents have treatable learning disabilities that went undiagnosed in school.<sup>120</sup> Another study concludes that 60 percent of all prison inmates and 85 percent of all youth who come into contact with the juvenile court system are functionally illiterate.<sup>121</sup>

The Office of Juvenile Justice and Delinquency Prevention states:



*[T]he link between academic failure and delinquency, violence, and crime is welded to reading failure.*<sup>122</sup>



Dropout rates had been increasing for Black male students since 1994.<sup>123</sup> By 1995, 74 percent of Blacks had completed four or more years of high school, up from only 20 percent in 1960. Although overall educational attainment for Black students increased steadily between 1960 and 1990, recent trends suggest that these advancements are reversing, due in part to federal policies that require graduation exams.

Evidence from states where exit exams have been instituted like Texas, Florida, and Georgia indicates that dropout and pushout rates (student who leaves their school before graduation through the encouragement of the school) increased significantly for Black and Hispanic students during the 1990s. According to the U.S. Census Bureau, in 2020, these three states have the three largest numbers of Black populations in the United States.<sup>124</sup> As a result, millions of Black male students are potentially impacted.

Some educational experts argue that these exams were implemented nationally across all public high schools, without also improving opportunities to learn.<sup>125</sup> Two decades after the enactment of No Child Left Behind (NCLB) in 2002, high school dropout rates for African American and Latino students remain well above 50 percent in some American cities.<sup>126</sup> Black students are also more likely to test below grade level than their peers, which has led to experts positing that policies such as the NCLB have had devastating effects on narrowing the education gap between White students and students of color.



## Low Graduation Rates and the School-to-Prison Pipeline

According to data from Stanford University's School of Education, most schools are organized to prepare only about 20 percent of their students for "thinking work," meaning those students who are tracked very early into gifted, talented, honors and "advanced" placement (AP classes) courses. These opportunities are least available to Black, Latinx, and Native American students.<sup>128</sup> In contrast, young Black men are disproportionately taken off the regular diploma track and placed on alternate or dropout tracks.<sup>129</sup>

As a consequence of structural inequalities in accessing knowledge and resources, students from racial and ethnic minority groups in the United States face persistent and profound barriers to educational opportunities. In most states, schools serving minority and low-income students lack the curriculum, courses, materials, equipment, and qualified teachers that would give students access to the education and skills to compete in the post-industrial economy and labor market.<sup>130</sup>

Michael Holzman, a consultant for the Schott Foundation for Public Education, plainly states, "[m]ost black male students go to lousy schools."<sup>131</sup> The standard of subpar learning environments date back to the pre-segregation era and still persists in contemporary urban school settings, especially in schools that are predominantly Black.<sup>132</sup> Holzman adds that "[i]f we look at schools that are predominately [B]lack, and we look at the achievement of [W]hite kids who are in those schools, we find that the [W]hite kids don't do well either."<sup>133</sup> A major consequence of having been recipients of poor academic preparation is that far too many Black boys grow into adults who are deficient in the skills that are necessary to compete in a modern economy, lessening their earnings potential. As a result, these early educational disparities leave Black boys more vulnerable and at higher risk of negative outcomes such as incarceration and involvement with the justice system.

Data from the Justice Policy Institute clearly demonstrate a strong correlation between education and crime. Some of the organization's major findings include:

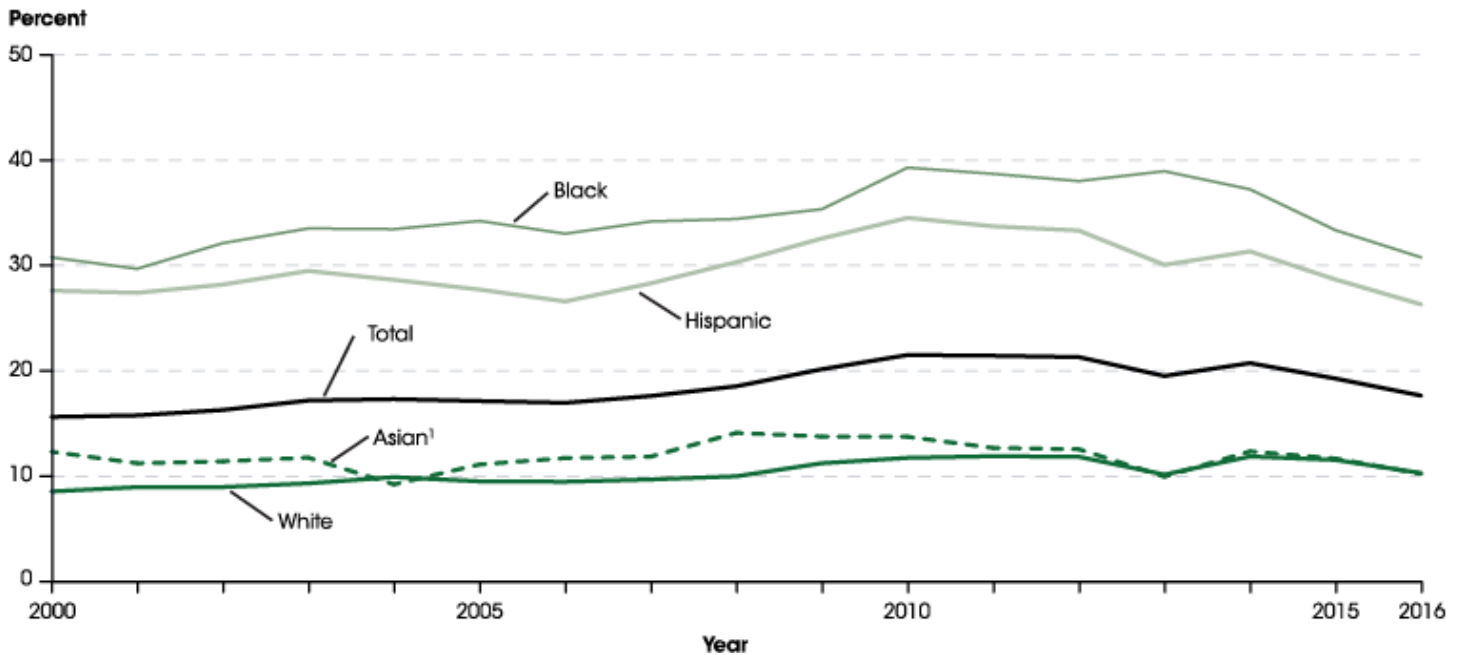
- States that have focused and allocated more resources on education tend to have lower violent crime and lower incarceration rates and increasing in male high school graduation rates would produce cost-effective annual savings in crime-related expenses.
- Communities of color are more likely to suffer from barriers to educational opportunities and are characterized by higher risk of incarceration, violent crimes, and lower educational attainment.
- States with higher levels of educational attainment also had crime rates lower than the national average.
- States with higher college enrollment rates experience lower violent crime rates than states with lower college enrollment rates.
- States that made larger investments in higher education saw better public safety outcomes.
- Black majority schools are underfunded compared to other public state institutions.<sup>134</sup>

## Household Characteristics for Black Students

Another highly correlative factor in educational attainment is associated with familial socioeconomic status. In 2016, the percentage of children under the age of 18 in families living in poverty was higher for Black children than Latinx children (31 and 26 percent, respectively), and the percentages for both of these groups were higher than for White and Asian children (10 percent each) (see Figure 2). In 2018, the poverty rate was highest for Black students at 32 percent.<sup>135</sup> This represented a slight increase from 31 percent in 2016. The presence of two-parent households suggests higher household income and less poverty. According to the National Center for Education Statistics (NCES), research suggests that living in early childhood is associated with lower-than-average academic performance beginning in kindergarten and extending to high school, leading to lower-than-average rates of school completion.<sup>136</sup> This is also significant because according to the National Center for Learning Disabilities,

“Black males from low-income backgrounds receiving special education services are suspended at the highest rates of any subgroup. Research has shown that when socioeconomic differences of Black and Hispanic students are accounted for, disparities still exist.”<sup>137</sup>

**Figure 2: Percentage Of Children Under Age 18 In Families Living In, By Race/Ethnicity: 2000 Through 2016**



Source: U.S. Department of Education, National Center for Education Statistics.

<sup>1</sup> In 2000 and 2001, Asian includes Pacific Islanders as well as Asians.

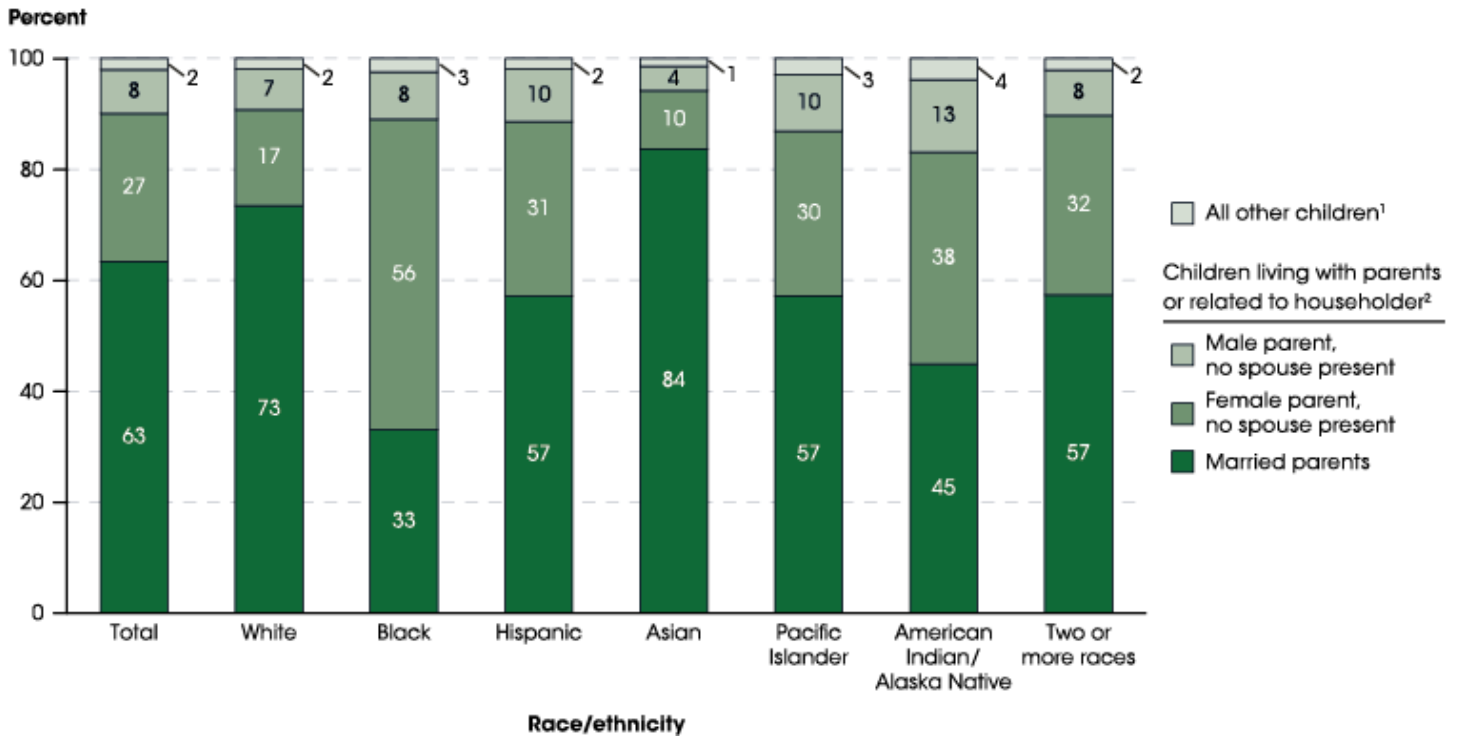
NOTE: The measure of child poverty includes all children who are related to the householder by birth, marriage, or adoption (except a child who is the spouse of the householder). The householder is the person (or one of the people) who owns or rents (maintains) the housing unit. Data are based on sample surveys of the civilian noninstitutional population. The official poverty measure consists of a set of income thresholds for families of different sizes and compositions that are compared to before-tax cash income to determine a family's poverty status. For more information about how the Census Bureau determines who is in poverty, see <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>. Total includes other racial/ethnic groups not separately shown, including Pacific Islander, American Indian/Alaska Native, and Two or more races. Race categories exclude persons of Hispanic ethnicity.

SOURCE: U.S. Department of Commerce, Census Bureau, Current Population Survey (CPS), Annual Social and Economic Supplement, 2001 through 2017. See Digest of Education Statistics 2015, table 102.50; and Digest of Education Statistics 2017, table 102.50.

## Household Characteristics for Black Students Continued

In 2016, Asian children lived with married parents at the highest rate of any group (84 percent), followed by White children at 73 percent (see Figure 3). Latinx, Pacific Islander, and children with two of more races each had 57 percent, followed by American Indian/Alaska Native children (45 percent). Only 33 percent of Black children live with married parents while 56 percent are raised by a single mother.<sup>138</sup>

**Figure 3: Percentage Distribution Of Children Under Age 18, By Race/Ethnicity And Living Arrangement (2016)**



Source: Thomas Snyder, Cristobal de Bray, and Sally Dillow, "Digest of Education Statistics," National Center for Education Statistics, U.S. Department of Education, 2017.

<sup>1</sup> Includes foster children, children in unrelated subfamilies, children living in group quarters, and children who were reported as the householder or spouse of the householder.

<sup>2</sup> Includes all children who live either with their parent(s) or with a householder to whom they are related by birth, marriage, or adoption (except a child who is the spouse of the householder). Children are classified by their parents' marital status or, if no parents are present in the household, by the marital status of the householder who is related to the children. Living arrangements with only a "female parent" or "male parent" are those in which the parent or the householder who is related to the child does not have a spouse living in the household. The householder is the person (or one of the people) who owns or rents (maintains) the housing unit.

NOTE: Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded estimates. Detail may not sum to totals because of rounding.

SOURCE: U.S. Department of Commerce, Census Bureau, American Community Survey (ACS), 2016. See Digest of Education Statistics 2017, table 102.20.

## Educational Achievement and Performance Gaps

One of the major goals of education policymakers is to close the achievement gaps between students of color and White students. Longstanding data show alarming disparities between the educational achievement of Black boys at all levels compared to other racial and gender groups throughout the United States.<sup>139</sup> For instance, significantly fewer Black boys graduate from high school or perform academically on par with other peer groups along both race and gender lines.<sup>140</sup>

A significant disparity in education is the lower level of literacy among Black boys compared to their peers. Data show that Black students have lower literacy levels than their similarly aged peers across all education levels, but the gaps are smaller for younger students than for older ones. For example, Black students with a high school diploma or a GED had literacy levels similar to those of White students who completed 9 to 12 years of school but did not receive a high school diploma.<sup>141</sup> National data indicate that no state had more than 19 percent of Black eighth-grade males reading at a proficient level in 2018. The 2019 National Assessment of Education Progress data also highlighted that only 6 percent of 12th-grade Black males were reading at the proficient level and only 1 percent were reading at an advanced level.<sup>142</sup>

At the writing of this report, the latest results from the National Center for Education Statistics (NCES) National Report Card: *Status and Trends in the Education of Racial and Ethnic Groups* reveal that in 2019, only 13 percent of Black 8th graders performed at or above “proficient” in math compared to 43 percent of White 8th graders. Similarly, only 15 percent performed at or above “proficient” in reading. Only 15 percent of Black students compared to 41 percent of White students in the 8th grade performed at or above “proficient” in reading.<sup>143</sup> This means that in 2019, 84 percent of Black 8th graders lacked proficiency in mathematics and 85 percent of Black 8th graders lacked proficiency in reading skills.<sup>144</sup> Conversely, the National Assessment of Educational Progress (NAEP) which assesses students’ reading and math skills in grades 4, 8, and 12 showed that some achievement gaps between students narrowed from 1992 to 2017. For example, the Black-White achievement gap in reading for 4th graders decreased from 32 points in 1992 to 26 points in 2017.<sup>145</sup> Similarly, the Black-White achievement gap in math for 4th graders also decreased from 32 points in 1992 to 25 points in 2017.<sup>146</sup> The research also found that no state had more than 19 percent of Black male 8th graders reading at a proficient level in 2018. The 2019 National Assessment of Education Progress data also highlighted that only 6 percent of 12th-grade Black male students were reading at the proficient level and only 1 percent were reading at the advanced level.<sup>147</sup>

## Teacher Competence and Expectations, Cultural Awareness, and Implicit Bias

Educational scholars argue that implicit bias plays a significant role in educational achievement and performance.<sup>148</sup> For instance, White students are presumed to have educational potential based on talent and ability, unless proven otherwise through poor school performance. By contrast, students of color are presumed to have deficiencies that require special assistance. Thus, for White students, the “discourse of potential” gives them benefits, support, and opportunities based on how they are perceived; compared to a “discourse of deficit” directed towards Black students who are often expected to fail.<sup>149</sup> Research also shows that students perform better academically and socially when they have teachers who look like them in either gender and/or race.<sup>150</sup> However, there is a shortage of minority teachers as well as few Black male students choosing to enter the teaching profession which limiting the pool of role models available to young Black students.<sup>151</sup> Consequently, another challenge for the nation’s schools is how to diversify the current workforce by attracting, recruiting, and retaining Black educators, especially Black male teachers and administrators, to better serve the needs and improve academic outcomes of Black students; in particular, students who are underserved, under-resourced, and vulnerable to leave the educational system.

While many school districts may have a Diversity Office or have developed workshops on the importance of cultural diversity, many do not address the barriers within the system to hire and retain culturally competent teachers since that requires a deeper understanding and application of diversity principles.<sup>152</sup> Although a wide body of literature exists on multi-cultural competency, cultural relevance, and pedagogy, these principals have rarely been translated into action or implemented at the classroom level across the nation.<sup>153</sup> Any effective educational reform plan must include the hiring of culturally competent educators who can create curricula for primary, secondary, and postsecondary institutions. Further, teaching programs also need to teach educators how to be more culturally competent, how to identify and address “culture gaps,” and equip them with the knowledge on how to teach and educate students with different learning styles.<sup>154</sup>

More attention has been given in recent years to student learning styles, how they may differ from faculty teaching styles, and what to do about such differences. Educational scholars argue that teaching culturally relevant pedagogy and culturally responsive teaching practices will help students remain engaged, achieve educational success, and empower students to take control of their educational futures.<sup>155</sup>

The National Education Association states:



*Culture plays a central role in learning; therefore, an awareness of students’ cultural and ethnic backgrounds is a tool in developing a positive academic environment. Cultural competence is multifaceted, encompassing culture, language, race, and ethnicity. The definition of cultural competence in education varies among different stakeholders and organizations. The National Education Association (NEA) defines cultural competence as “the ability to successfully teach students who come from cultures other than our own.” Cultural competence involves interpersonal awareness, cultural knowledge, and a skill set that together promotes impactful cross-cultural teaching.<sup>156</sup>*



## Teacher Competence and Expectations, Cultural Awareness, and Implicit Bias Continued

Reflecting on newfound discoveries and acknowledgements regarding students' different learning styles, some graduate programs, such as Preparing Future Faculty (PFF), sponsored by the Association of American Colleges and Universities and the Council of Graduate Schools, train future faculty how to be successful in a diverse classroom by:

1. Learning about different cultural learning styles,
2. Preparing teachers with strategies to adapt to different cultural learning styles, and
3. Developing nontraditional ways to effectively teach minority students at both primary and secondary education levels.<sup>157</sup>

The program states:



*Clearly, preparing graduate students for teaching requires more than preparing them to deal with different institutional settings and students; it requires crafting a training program that prepares them for different learning and teaching styles from many gender and ethnic perspectives—a veritable array of pedagogies. Because such training is probably the least developed component of higher education, programs like PFF are few.<sup>158</sup>*



Another significant factor in a student's performance is directly related to the teacher's expectation of the student.<sup>159</sup> For example, studies suggest that many teachers may have lower expectations of Black male students.<sup>160</sup> According to the NCES, "research has shown that having a teacher of the same race/ethnicity can have positive impacts on a student's attitudes, motivation, and achievement and minority teachers may have more positive expectations for minority students' achievement than nonminority teachers."<sup>161</sup> Low achievement or lack of motivation to succeed or excel presents the incentivized opportunity to classify and label students with a disability, resulting in special education referral.<sup>162</sup>

Black children are disproportionately classified as disabled and tracked into special education;<sup>163</sup> and have been overrepresented in special education since the Education Department began sampling school districts in 1968.<sup>164</sup> Black students are also more likely to be labeled with specific learning disability (SLD), intellectual disability (ID), or emotional disturbance (ED) which are considered to be more subjective disabilities.<sup>165</sup> Black students are twice as likely to be classified as having an ED and three times as likely to be labeled as suffering from an ID as their White peers.<sup>166</sup> During the 2013-14 school year, Black students were found to have been disproportionately identified as having an SLD, constituting 16 percent of the enrolled student population, while making up 20 percent of students classified as having a SLD.<sup>167</sup> According to the scholar and educational consultant, Jawanza Kunjufu, Black children are 17 percent of public-school children in the United States, but they constitute 41 percent of the children placed in special education.<sup>168</sup> Black students are 40 percent more likely to be identified with a disability versus all other students.<sup>169</sup> Black males account for 85 percent of this number.<sup>170</sup> While researchers have suggested that teacher or assessment biases could have greater impacts on the determination of these disabilities more research is needed.<sup>171</sup>

## Teacher Competence and Expectations, Cultural Awareness, and Implicit Bias Continued

A Center for American Progress (CAP) study that tracked high school students from 2002 to 2012 found that teacher expectations had a significant effect on students' outcomes. The researchers asked 10th-grade teachers if they expected their students to graduate from college and compared the results to the students' outcomes. The researchers note however, that the report carefully avoids assuming that teacher expectations cause student achievement. Teachers may have an accurate sense of who is likely to graduate from college, regardless of race or economic class. Teachers with low expectations of students may be more likely to teach in underperforming schools. Also, teachers' low expectations of minority and disadvantaged students may reflect these students' actual underperformance resulting from systemic issues rather than innate ability.

Even after taking other factors into consideration, including students' motivation and course-taking patterns, "teachers' expectations and students' college-going outcomes had a significant relationship, and teacher expectations were tremendously predictive of student college completion rates."<sup>174</sup>

Despite controlling for other variables such as students' motivation and courses, the study found that "teachers' expectations and students' college-going outcomes had a significant relationship, and teacher expectations were tremendously predictive of student college completion rates."<sup>175</sup> Not only were the findings significant, but the study also found that for the students whose teachers had high expectations were three times more likely to graduate from college compared to others in the study. Ulrich Boser, senior research fellow for the Center for American Progress, stated that these results suggest that "if you're told you're going to graduate from college, that could make you more likely to take certain actions."<sup>176</sup>

Additionally, Boser noted that teachers in the study held lower expectations for disadvantaged students and students of color. Specifically, teachers thought that Black students were 47 percent less likely to graduate college than White students, and 53 percent less likely for economically disadvantaged students than more affluent students.<sup>177</sup> In part these results may be due to the racial makeup at most public schools in the United States. Boser asserts that the racial demographics of a school matter, especially as more students of color enter the nation's public schools.<sup>178</sup> He noted that "most of our teachers are [W]hite, but most students are of color."<sup>179</sup> Therefore, teachers and students from different backgrounds may misunderstand each other and lead to uneven expectations which have significant effects on educational success.

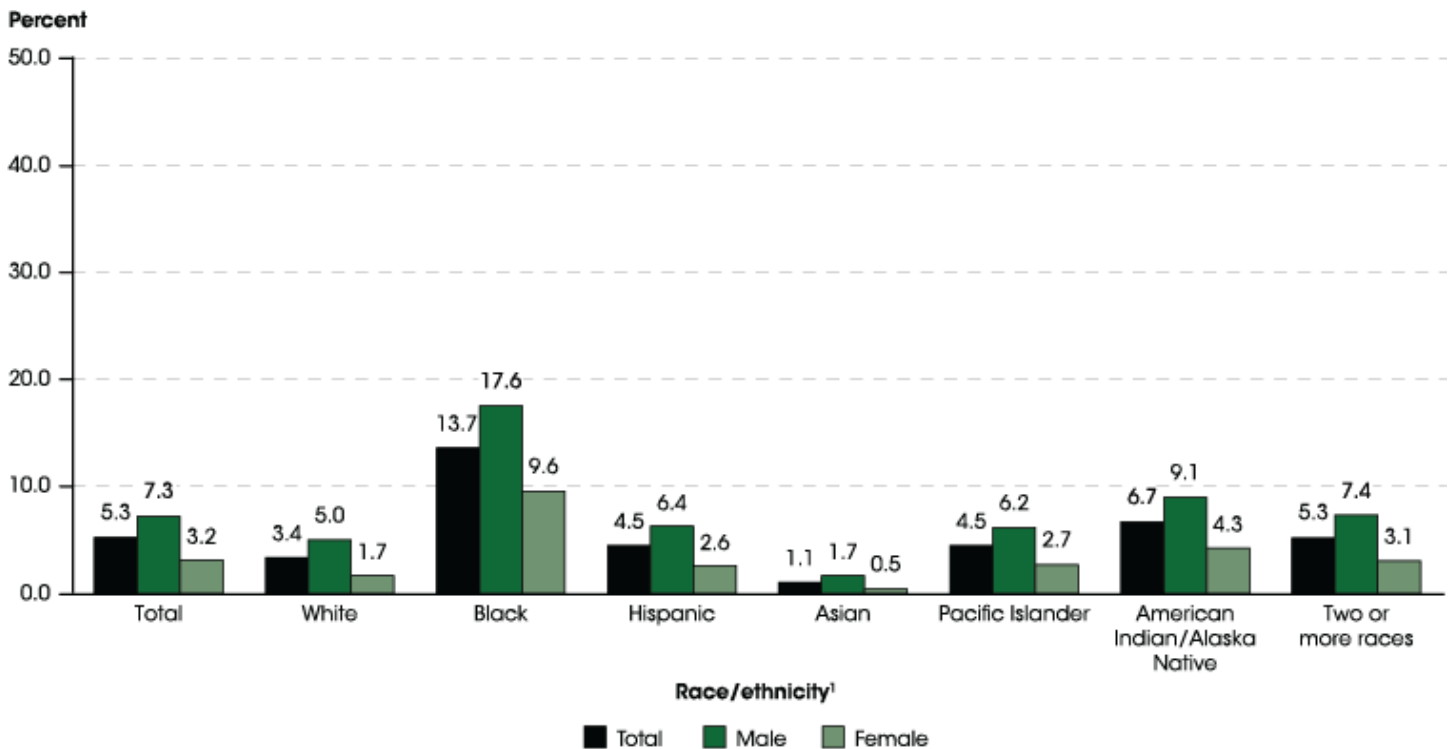
Too often, Black male students' educational accomplishments in schools are ignored, downplayed, or overlooked.<sup>180</sup> Thus, recruiting and retaining more Black teachers and mentors may be able to reduce the "soft bigotry of low expectations" and implicit bias that Black male students oftentimes experience from non-Black educators.<sup>181</sup> One study found that "(l)earners of color and students from low-income families may perform poorly in school because their teachers simply do not believe in them."<sup>182</sup> Teacher's expectation are influential throughout both primary (K-12) and secondary levels of education. Researchers found that students whose teachers expected them to graduate from college were significantly more likely to do so.<sup>183</sup> Moreover, "individuals [whose teachers had high expectations] were three times more likely to graduate from college."<sup>184</sup>

## Disproportionate Disciplinary Outcomes

Another critical factor in racial disparities in schools is the disproportionate use of exclusionary discipline against Black students. Black male students are disciplined (e.g., grade retention, suspended, expelled) at significantly higher disproportionate rates than any other peer groups.

Analysis of the 2013-14 nationwide disciplinary data from the Department of Education reveals that Black youth enrolled in elementary, middle, and high schools are more likely to be suspended than their White counterparts. Data from the 2013-14 school year reveals that Black male students are twice as likely as White male students to be suspended from school (see Figure 4).

**Figure 4: Percentage Of Public-School Students Who Received Out-Of-School Suspensions, By Race/Ethnicity And Sex: 2013–14**



Source: U.S. Department of Education, National Center for Education Statistics.

<sup>1</sup>Data by race/ethnicity exclude students with disabilities served only under Section 504 (not receiving services under Individuals with Disabilities Act [IDEA]) since suspensions for these students are not available disaggregated by race/ethnicity in the underlying data. Students with disabilities served only under Section 504 made up approximately 2 percent of public school enrollment in 2013–14.

NOTE: An out-of-school suspension is an instance in which a student is temporarily removed from his or her regular school for disciplinary purposes for at least half a day (but less than the remainder of the school year) to another setting (e.g., home or behavior center). The percentage of students receiving a disciplinary action is calculated by dividing the cumulative number of students receiving that type of disciplinary action for the entire 2013–14 school year by the student enrollment based on a count of students taken on a single day between September 27 and December 31. Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded estimates.

SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, “2013–14 Discipline Estimations by Discipline Type” and “2013–14 Estimations for Enrollment.” See Digest of Education Statistics 2017, table 233.28.



## Disproportionate Disciplinary Outcomes Continued

National data found that in the 2013-14 school year, Black male students received out-of-school suspensions at nearly four times the rate of White male students (see Figure 4). In some school districts the disparities were even greater. For instance, Black students in Atlanta were more likely to be removed (e.g., out-of-school suspension, expelled, arrested) for subjective infractions (e.g., disorderly conduct, talking back).<sup>185</sup> Other examples include two Atlanta middle schools where more than 60 percent of Black males were suspended in a single year.<sup>186</sup> Moreover, White students in Atlanta schools generally had to commit not only more disciplinary infractions, but also more serious offenses than Black students in order to be removed from school.<sup>187</sup> Similarly, in Tennessee's Alamo City School District, Black students accounted for 100 percent of the suspensions during the 2011–12 year, yet made up only 11.6 percent of student enrollment, making them over 8.6 times more likely to be suspended than their peers.<sup>188</sup> Statewide, almost 45,000 Black students were suspended from Tennessee K–12 public schools in a single academic year. These students made up 23 percent of the enrolled students but accounted for 58 percent of the suspensions and 71 percent of expulsions statewide.<sup>189</sup> Partnership for Public Education's policy brief examining the Delaware school system states:



*These racial disparities underscore the cultural and ethnic gaps that exist between students and educators in Delaware. When educators are unaware of the cultural differences that exist between them and their students, “unintentional clashes” may result. These clashes occur when an individual from one cultural or ethnic group does not understand the symbolic meanings, behavioral conventions, or language of another group.*



A lack of awareness of students' cultural backgrounds may mean teachers and administrators lack the necessary skills to interact with students of different cultures and ethnicities and may misinterpret classroom behaviors. One result of this lack of awareness may be disproportionate school discipline. For example, the Department of Education Office of Civil Rights found that [B]lack students are three times more likely to be suspended and expelled as white students. Biases may result in higher rates of suspension and expulsion for minority students.<sup>190</sup>

In the 2015-16 school year, Black male students received out-of-school suspensions at nearly four times the rate of White male students...<sup>191</sup> the overwhelming majority of which were for non-violent behavior.<sup>192</sup> Behavioral expressions by Black boys are oftentimes misunderstood, misinterpreted, and/or viewed as hostile.<sup>193</sup> Behaviors that may be deemed as “unruly” or behaving like a “class clown” may be perceived as aggressive and result in disciplinary action. Moreover, any behavior perceived as threatening (e.g., eye stare, tone of voice) can lead to serious disciplinary actions such as the involvement of school officials or law enforcement.<sup>194</sup> In this regard, the classroom and learning environment can push Black boys out of the classroom and into the criminal justice system.

## Disproportionate Disciplinary Outcomes Continued

In addition to missed class time, suspensions and expulsions adversely impacts classroom engagement and cohesion and increases the likelihood excluded students will be retained in-grade, drop out of school, or be placed in the juvenile justice system.<sup>195</sup> These practices have led to what scholars have called the “school-to-prison pipeline” for far too many students. For several decades, these exclusionary disciplinary practices have been denounced in numerous public testimonials by citizens, school administrators, teachers and frustrated parents who have lamented the dramatically disproportionate impact of zero-tolerance policies on the educational opportunities of young Black male students.<sup>196</sup> Research also shows that zero tolerance policies and the practice of exclusionary discipline in schools combine with the absence of disciplinary alternatives to neutralize efforts to creating safe and healthy learning environments for students, teachers, and staff.<sup>197</sup>

Exclusionary discipline practices also place students at risk for a wide range of problems, including school avoidance, increased likelihood of dropping out, and involvement with the juvenile justice system.<sup>198</sup> Additionally, in recent years, some federal officials and school reform advocates have begun to scrutinize how the education system fails students of color, students with disabilities, and LGBTQ students who are:



*Disproportionately over- or incorrectly categorized in special education, are disciplined more harshly, including referral to law enforcement for minimal misbehavior, achieve at lower levels, and eventually drop or are pushed out of school, often into juvenile justice facilities and prisons—a pattern now commonly referred to as the School-to-Prison Pipeline.<sup>199</sup>*



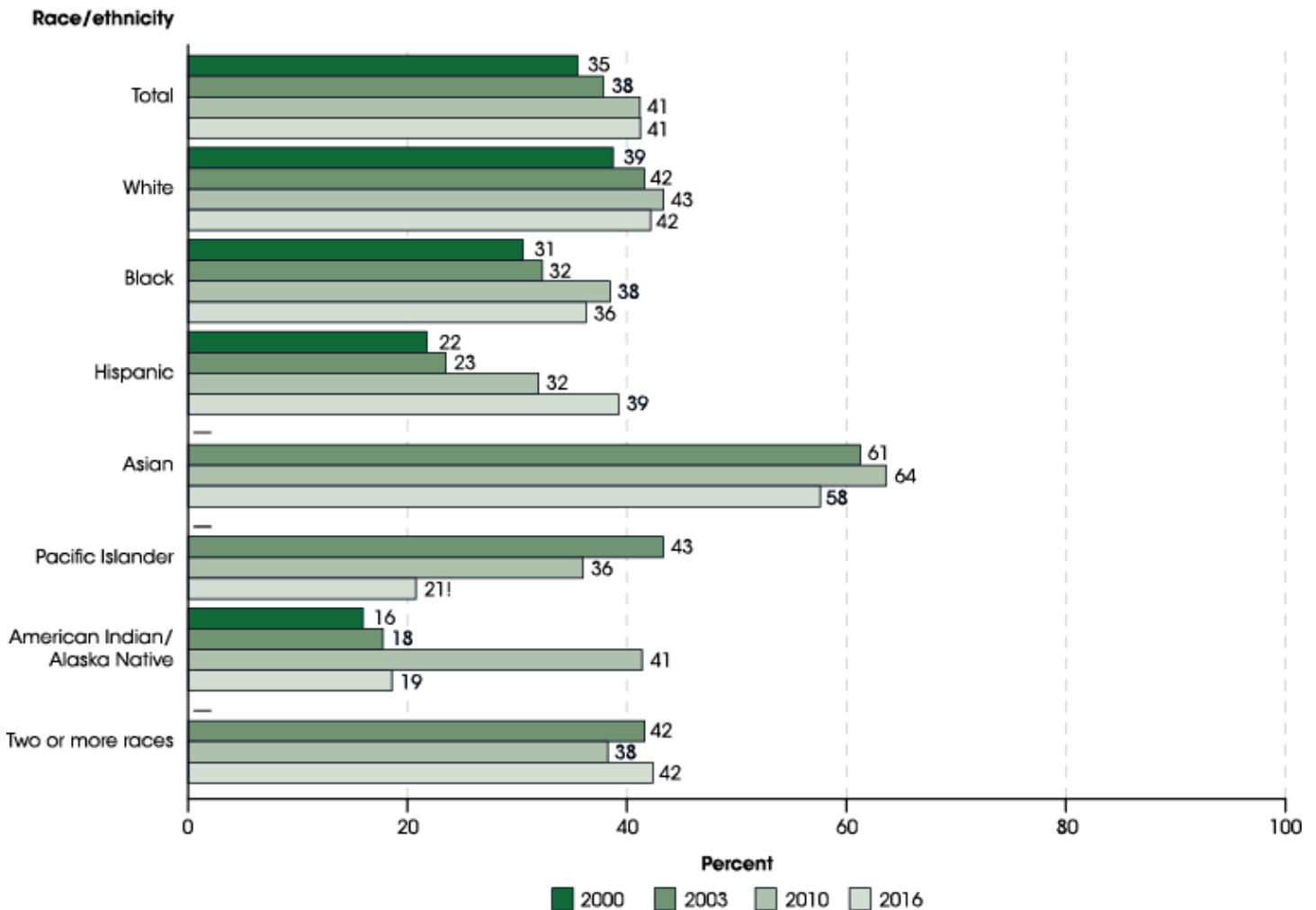
All students deserve to attend schools that are nurturing, stimulating, welcoming, and safe, and defaulting to harsh discipline policies runs counter to these goals.<sup>200</sup> Longstanding empirical research has shown that using exclusionary school discipline policies for all levels of student infractions, regardless of severity, is often ineffective; and these practices may even increase the likelihood of future criminality and lower overall student academic performance in schools.<sup>201</sup>

Based on these findings, significantly more attention needs to be paid to the impact of statewide and district level policies, procedures, and outcomes of school discipline on Black males.

## College Participation Rates

From 2000 to 2016, total college enrollment rates increased for White (from 39 to 42 percent), Black (from 31 to 36 percent), and Latinx young adults (from 22 to 39 percent)—see Figure 5.<sup>202</sup> The 2016 total college enrollment rate for American Indian/Alaska Native young adults (19 percent) was not measurably different from their 2000 rate. Also, the 2016 rates for Asian young adults (58 percent), young adults of Two or more races (42 percent), and Pacific Islander young adults (21 percent) were not measurably different from the corresponding rates in 2003, when the collection of separate data on Asian and Pacific Islander young adults began.<sup>203</sup>

**Figure 5: Percentage of 18- to 24-year-olds Enrolled in College, by Race/Ethnicity: 2000, 2003, 2010, and 2016**



Source: Thomas Snyder, Cristobal de Bray, and Sally Dillow, “Digest of Education Statistics,” National Center for Education Statistics, U.S. Department of Education, 2017.

— Not available.

! Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

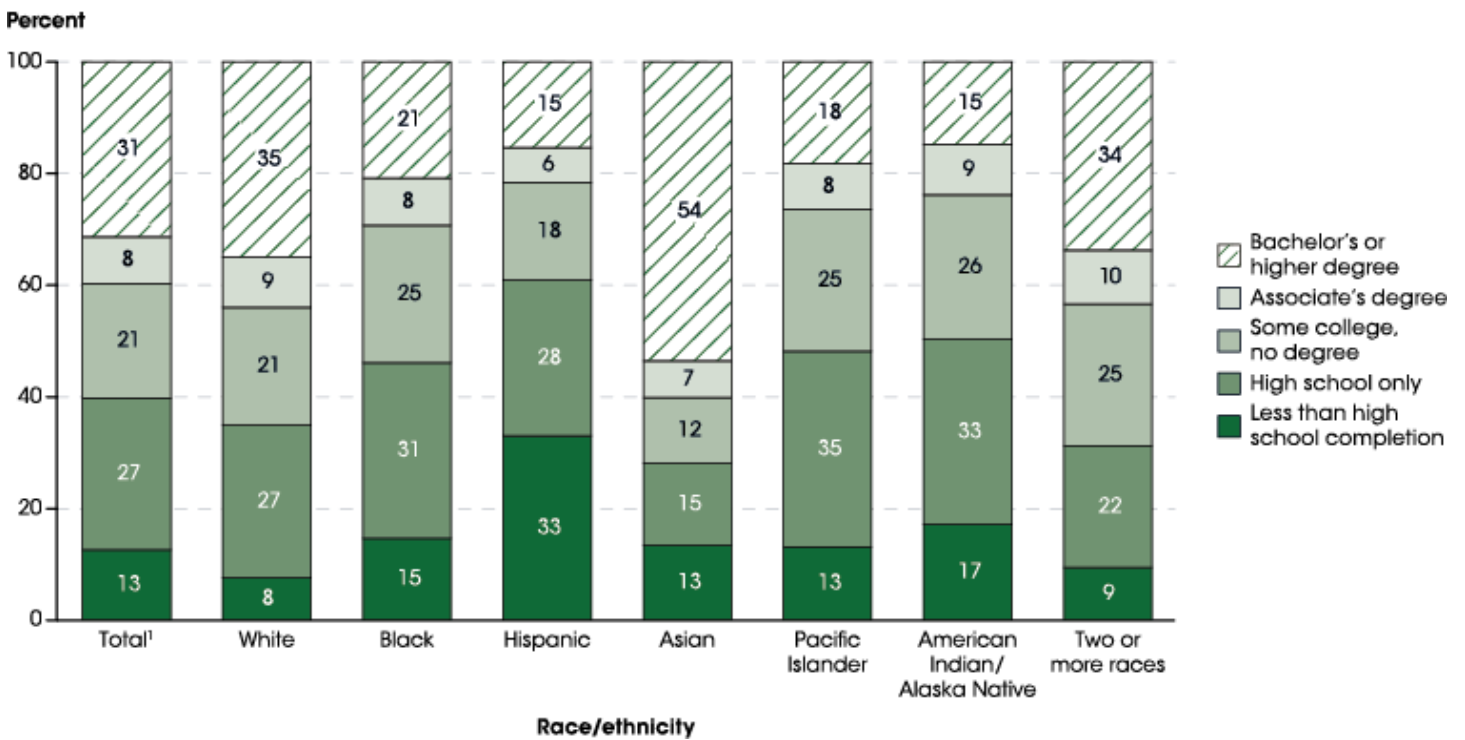
NOTE: Data are based on sample surveys of the civilian noninstitutionalized population. Totals include other racial/ethnic groups not separately shown. Separate data for Asians, Pacific Islanders, and persons of Two or more races were not available in 2000. After 2002, data for individual race categories exclude persons of Two or more races. Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded estimates.

SOURCE: U.S. Department of Commerce, Census Bureau, Current Population Survey (CPS), October, 2000, 2003, 2010, and 2016. See Digest of Education Statistics 2017, table 302.60.

## College Participation Rates Continued

In 2016, the percentage of adults aged 25 and older who had not completed high school was highest for Latinx adults (33 percent) followed by 17 percent of American Indian/Alaska Native adults, 15 percent of Black adults, 13 percent of Asian adults, 13 percent of Pacific Islander adults, 9 percent of adults of Two or more races, and 8 percent of White adults.<sup>204</sup> Most of the differences between these racial/ethnic groups were statistically significant; the exceptions were that the percentage of Pacific Islander adults who did not complete high school was not measurably different from the percentages of both Black and Asian adults (see Figure 6).<sup>205</sup>

**Figure 6: Percentage Distribution of Educational Attainment of Adults Age, 25 and Older, by Race/Ethnicity: 2016**



Source: Thomas Snyder, Cristobal de Bray, and Sally Dillow, "Digest of Education Statistics," National Center for Education Statistics, U.S. Department of Education, 2017.

<sup>1</sup>Total includes other racial/ethnic groups not separately shown as well as respondents who wrote in some other race that was not included as an option on the questionnaire and therefore could not be placed into any of the other groups.

NOTE: High school completers include diploma recipients and those completing high school through alternative credentials, such as a GED. Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded estimates. Detail may not sum to totals because of rounding.

SOURCE: U.S. Department of Commerce, Census Bureau, American Community Survey, 2016. See Digest of Education Statistics 2017, table 104.40.

Additionally, in 2016, American Indian/Alaska Native adults were the most likely to have some college, but no degree compared to other racial and ethnic groups. Asian adults were substantially more likely than all other groups to have a bachelor's degree or higher (54 percent).<sup>206</sup> In 2016, the percentage of Blacks 25 and older with only a high school degree (31 percent) was higher than those with some college, an associate's degree, or a bachelor's degree or higher (25 percent, 8 percent, 21 percent, respectively) (see Figure 6).<sup>207</sup>

## College Participation Rates Continued

A qualitative study assessing potential barriers to academic success for Black and Latino men at the post-secondary level (i.e., college, trade, and vocational levels) found that these students faced many barriers that often impeded their ability to graduate with a degree.<sup>208</sup> Some commonalities among the study’s participants were lack of financial resources to pay for college, lack of readiness (e.g., unprepared for placement test, poor computer and writing skills, no computer access), lack of focus and self-motivation, and lack of assistance and engagement (e.g., little teacher contact, more flexible office hours, “bad teaching”) (see Table 1).<sup>209</sup>

**Table 1: Focus Group Themes**

Main Shared Themes	Latino Special Issues	Black Special Issues
Lack of Financial Resources	Language	Stereotyping / Stereotype Threat
Lack of College Readiness	Fear & Little Self-Confidence	Discrimination
Balancing College With Work & Family	Need Supportive Friends & Support	Background – Family, Cultural Expectations
Lack of Focus & Self-Motivation		
Need Assistance & Engagement From Instructors, Counselors, Tutors		

While there were some shared themes among the study’s participants, there were also four issues that specifically emerged for Black participants (see Table 1). The majority of the Black men who participated in the focus groups reported barriers related to stereotypes and discrimination; specifically, their interactions with instructors, counselors, and tutors. Several of the participants stated multiple incidences of feeling “belittled, treated as ignorant, and being addressed with no expectation of success.”<sup>210</sup> One of the students described his experience with faculty as a combination of miscommunication and stereotyping, stating: “Teachers do not expect success, because you are the [B]lack guy, you are here for sports. A teacher will not call on me. They assume I’m going to drop out halfway in the semester. I am asked: ‘You’re sure you want to be here?’”<sup>211</sup>

There were also several Black students who had been successful shared strategies for success. For example, one student shared:



*Set a goal that you are going to do it and make up your mind to listen. Take advantage of those things available to you such as tutoring, etc., and work on problems at home. Go talk to your instructors and take advantage of classroom time, study time, and tutoring time, to make sure you understand the information. Take time to read the textbooks and read ahead. It might be hard, but it’s about not giving up and overcoming any issues you might have. Invest time into your studies to do well and always ask others for help if you don’t understand something.*<sup>212</sup>



## Decreasing the Education Gap

One of the primary goals of this subcommittee is to collect and analyze national education data to aid policymakers and educators on strategies and make recommendations on ways to reduce the Black-White education gap. Primary focus is given to increasing high school graduation rates and increasing enrollment in postsecondary institutions. This includes formulating strategies that bolster learning environments by hiring passionate unbiased educators who stimulate, teach, and motivate Black students to perform at their best. Several factors are instrumental in determining the level of educational success for African American men, including improving literacy skills (e.g., reading, writing, and comprehension) and math proficiencies. Not only would this aid in graduation rates, but this focus could allow more young Black men access to the science, technology, engineering, and math (STEM) related fields. As the United States continues to move towards a post-industrial economy, jobs in STEM are increasingly in demand yet Black and Latinx students continue to be underrepresented in the STEM industries compared with their share of the nation's workforce.<sup>213</sup>

Other strategies to decrease the educational achievement gaps and increase graduation rates between students have focused on developing curriculum and programs for teachers with the aim of making their classrooms more welcoming and supportive learning spaces for Black boys.<sup>214</sup> This entails incorporating an inclusive curriculum for Black boys who have too often been categorized, stigmatized, and labeled as "high risk," and therefore may experience increased discrimination from educators and an expectation of lower academic achievement.<sup>215</sup> Education experts posit that inclusive curriculum and programs should include strong mentoring, self-esteem development, developing strong social and conflict resolution skills, and highlighting Black men's contributions to American and global societies. Dr. Brian Wright, Associate Professor and Program Coordinator of Early Childhood Education at the University of Memphis outlines the following three approaches to making the classroom and learning spaces "culturally responsive" to Black boys:

1. Tapping into the power of African American history,
2. Celebrating Black boys' representation in books, and
3. Rethinking school readiness.<sup>216</sup>

It is critical that all teachers and support staff are provided with resources, guidance, training, and support to ensure that all students are treated equitably in the classroom. It is also imperative that educators provide Black boys with spaces in which they feel seen, heard, and supported so that they can develop their self-esteem, and have the confidence to excel both inside and outside of school. This overview provided some preliminary data and discussion regarding educational gaps, discriminatory behaviors, and barriers that Black boys and young Black men face when pursuing an education. In future reports, the Education Subcommittee seeks to continue the investigation on how to improve young Black men's educational attainment, performance, and achievement outcomes.

It is important that all students are supported as they navigate the education system. When students are not supported by educators and educational professionals, students lose a sense of belonging and engagement in school. Students can begin to feel like they are not valued and lose interest in their education. These feelings are compounded when schools send the message that they are singling out students because of the students' race.<sup>217</sup> These actions are not only discriminatory, but they can also have lifelong negative impacts.<sup>218</sup> Such policies are undermine the American promise to provide each generation with quality educational opportunities, regardless of their background, in the hope of creating a more equitable future for all.<sup>219</sup>

# Subcommittee on Housing

## Overview

This section presents preliminary data and information related to Black men's experiences dealing with various forms of discrimination, or denial of equal protection under the law regarding access to the sale of, and/or rental, financing, or the provision of brokerage services related to fair housing across the nation.<sup>220</sup> This discussion also includes the experiences of Black men with criminal records and the unhoused, two sectors of the population that are significantly affected by discriminatory policies.

Furthermore, the Subcommittee will explore possible alternative strategies or solutions to address discriminatory practices and inequities as well as ideas to ensure compliance and enforcement of the Fair Housing Act (FHA)<sup>221</sup> and equal opportunity in housing. Therefore, this preliminary discussion is meant to provide an overview regarding access to basic affordable housing.

Equal housing opportunities in housing remains a major challenge across the nation despite over five decades after the passage of the FHA,<sup>222</sup> and billions of dollars spent by federal, state, and local agencies to further fair housing initiatives, through its Office of Fair Housing and Equal Opportunity (FHEO), the Department of Housing and Urban Development (HUD), investigates complaints under the Fair Housing Act and determines if there is reasonable cause to believe that discrimination has occurred or is about to occur, and works with state and local fair housing agencies and the private sector to investigate fair housing complaints.

## Historical Context

The root of most housing disparities can be traced back to discriminatory policies enforced in the 20th century, which limited Black economic mobility, homeownership, and spatially confined majority-Black neighborhoods. The National Housing Act of 1934<sup>223</sup> created the Federal Housing Administration in an effort to increase access to homeownership. To incentivize banks to decrease down payments and increase mortgage durations, the Federal Housing Administration insured home mortgages,<sup>224</sup> thus shifting the financial risk of foreclosure onto the federal government.<sup>225</sup> The Federal Housing Administration required buyers applying for federally insured mortgages to obtain home appraisals using the Home Owners Loan Corporation (HOLC) neighborhood classifications.<sup>226</sup> This practice, colloquially termed "redlining," systematized discriminatory home appraisals by denying federally insured mortgages to residents in primarily low-income, Black neighborhoods, which were deemed high-risk for investment. The legacy of this practice has contributed to the modern Black-White homeownership gap and prevented many Black families from accessing affordable mortgages.<sup>227</sup>

The Public Works Administration (PWA) Housing Division was also established in the early 1930s to stimulate public housing construction and slum clearance projects, which ultimately displaced minority residents, forcing them to relocate to due to the unaffordability of most government-sponsored housing units.<sup>228</sup> The Neighborhood Composition Rule also limited the location of public housing by requiring housing projects to not "alter the racial character of their surrounding neighborhoods."<sup>229</sup> Similarly, the Housing Act of 1937<sup>230</sup> reduced the affordable housing stock by mandating that housing authorities "eliminate a substandard dwelling unit for each new unit of public housing built."<sup>231</sup> Federal funding for highway construction later spurred white flight into the suburbs and disinvestment in the inner city.<sup>232</sup> These actions ultimately institutionalized segregation patterns.

## Historical Context Continued

In addition to federal policies, segregated neighborhoods were further cemented through discriminatory local policies. Homeowners' associations enforced racial restrictive covenants throughout the 1920s and 1930s, barring people of color from occupying or owning property in White neighborhoods.<sup>233</sup> Real estate brokers practiced "blockbusting," a fear-based sales tactic that encouraged white homeowners to sell their houses before Black families moved into the neighborhood.<sup>234</sup> Exclusionary zoning laws, which restrict the type of home that can be built in a neighborhood, were used to maintain high property prices in white neighborhoods and prevent people of color from moving in.<sup>235</sup> By the 1960s, Black-White segregation had reached near-apartheid levels.<sup>236</sup> The index of dissimilarity,<sup>237</sup> measuring the percentage of a demographic group that would have to relocate to live in a neighborhood that is similarly segregated, for Black residents had reached 0.79 for African Americans.<sup>238</sup>

## Current Consequences of Housing Segregation

Housing segregation of Black residents persists to this day. Measured by the index of dissimilarity, levels of segregation for Black residents have been slowly decreasing since the 1970s and reached 0.55 by 2020.<sup>239</sup> In some cities however, such as Atlanta, housing segregation levels remain extremely high, almost reaching 0.70.<sup>240</sup> The legacies of housing segregation and disinvestment in Black neighborhoods continues to affect the modern realities of living in most majority-Black neighborhoods today.

For example, majority-Black neighborhoods today are more likely to be "urban heat islands."<sup>241</sup> Studies find Black residents have the highest average exposure to urban heat surface across all climate zones in the country, while White residents have the lowest average exposure.<sup>242</sup> This is in part due to histories of redlining, disinvestment, and zoning laws, which have left many historically Black neighborhoods with less greenspace, more densely packed buildings, and less reflective building materials, all of which contribute to higher temperatures.<sup>243</sup> One spatial analysis of 108 American cities found that formerly redlined neighborhoods are, on average, 37 degrees hotter than non-redlined neighborhoods.<sup>244</sup> Some redlined neighborhoods are up to 45 degrees hotter than nearby non-redlined neighborhoods.<sup>245</sup> Black residents have a higher heat-related mortality rate (0.3/100,000 people) than the national level (0.2/100,000 people).<sup>246</sup>

Majority-Black neighborhoods are also more likely to be overpoliced,<sup>247</sup> have less access to emergency services,<sup>248</sup> be more conducive to the spread of COVID-19,<sup>249</sup> and more likely to be impacted by climate change disasters, such as hurricanes and flooding.<sup>250</sup>

While the Fair Housing Act of 1968<sup>251</sup> banned housing discrimination based on one's race, color, national origin, religion, sex, familial status, or disability, evidence of individual and systemic discrimination against Black homeowners still exists. The real estate finance industry engaged in "reverse redlining" in the early 2000s by targeting majority-Black neighborhoods with risky subprime loans, including "no doc" and balloon-payment loans.<sup>252</sup> After the 2008 recession, foreclosure rates were about 3.5 times higher in Black neighborhoods than in White neighborhoods.<sup>253</sup>



## Affordable Housing

Not only is access to high-quality affordable housing critical for one’s quality of life and wellbeing, but homeownership has also long been a significant tool for wealth accumulation in the United States. Yet, discriminatory federal, state, and local policies have long excluded a disproportionate number of Black families from accessing and retaining housing. The effects of these policies continue to manifest today in disparate levels of homeownership levels and segregation, as well as in disparate levels of housing insecurity and homelessness.

The lack of affordable housing has been driven by strong demands, low housing stock, and limited rentals which resulted in pushing rents up rapidly over 2021 and 2022.<sup>254</sup> A soaring real estate market has led to a substantial rise in housing cost burdens for the first time in 10 years.<sup>255</sup> In 2022, this burden has been exacerbated by inflation levels, that have reached a nearly 40-year high, following the peak of the COVID-19 pandemic. According to data collected by RealPage, a real estate property management software provider, rents across all 150 markets tracked by the software were up in the first quarter of 2022, with 116 markets posting year-over-year increases of at least 10 percent; and in 25 markets, rents climbed by more than 20 percent.<sup>256</sup>

These soaring rental costs have had a disparate impact on Black Americans. According to a Harvard University’s Joint Center for Housing Studies report, nearly one in two Black renter households spend more than 30 percent of their income on rent.<sup>257</sup> Moreover, approximately 28 percent of Black renter households or 2.3 million households are severely cost burdened, defined as spending more than 50 percent of their monthly income on rent.<sup>258</sup> By comparison, 21 percent of White renter households are severely cost burdened, which equates to about 4.9 million White renter households (see Table 2). Although Black renters have a lower income than White renters (approximately 30 percent lower), their monthly rent is not significantly lower than that of White renters.<sup>259</sup> For example, in 2020, the average monthly rent for White renter households was \$1,010 compared to \$830 for Black renter households; despite the fact that the median income of Black renter households was \$31,700, compared to \$45,200 for White renter households.<sup>260</sup> Moreover, with rental costs expected to rise even higher in 2023, it will become increasingly difficult for Black renter households to save for a down payment to purchase a home.<sup>261</sup>

**Table 2: 2019 Percentage of Renter (Households) With Cost Burdens By Race**

Race	Severely Burdened	Moderately Burdened
Black	29.4%	24.3%
White	21.0%	20.9%
Latinx	26.1%	25.8%
Asian	23.6%	18.5%

Source: Sophia Wedeen, “Black and Hispanic Renters Face Greatest Threat of Eviction in Pandemic Housing Studies,” Joint Center for Housing Studies, Jan. 11, 2021.

## Affordable Housing Continued

One of the fundamental challenges of housing affordability is the combination of the rising cost of rentals and stagnant wages. Prior to the soaring costs in the housing market, Black households were still far less likely to own their own home, compared to White households (41.3 percent, 71.9 percent, respectively).<sup>262</sup> This is because black homeowners are more often coerced into high-interest rates mortgages, or denied mortgages entirely. For example, a 2015 examination of mortgage-market data indicates that 27.4 percent of Black applicants were denied mortgages compared to White applicants (see Table 3 below).<sup>263</sup>

**Table 3: Mortgage Loan Denial Rate By Race**

Race	2000	2015
Black	44.6%	27.4%
White	31.4%	10.9%
Latinx	26.3%	19.2%
Asian	22.3%	10.8%

Source: Drew Desilver and Kristen Bialik, "Blacks and Hispanics face extra challenges in getting home loans," Pew Research Center, Jan. 10, 2017.

According to data collected by the Pew Research Center, lenders' reasons for turning borrowers down for conventional mortgages often varied by the race or ethnicity of the borrower. For White, Latinx,<sup>264</sup> and Asian borrowers the most frequently cited reason was that their debt-to-income ratio was too high (25 percent, 26 percent, and 29 percent, respectively). Among Black borrowers, the most cited reason was a poor credit history (31 percent).<sup>265</sup>

The homeownership gap between White and Black homeowners has not decreased, and in many cities around the country, the gap has widened.<sup>266</sup> Jessica Lautz, Vice President of Demographics and Behavioral Insights for the National Association of Realtors (NAR), explains that:



*As the gap in homeownership rates for Black and White Americans has widened, it is important to understand the unique challenges that minority home buyers face. . . Housing affordability and low inventory has made it even more challenging for all buyers to enter into homeownership, but even more so for Black Americans.*<sup>267</sup>



As of January 2020, the Black homeownership rate was 44.8 percent, compared to the overall homeownership rate of 64.4 percent, and the White homeownership rate of 74.0 percent.<sup>268</sup> The gap in homeownership rates between Black and White families is now at its widest point in 120 years.<sup>269</sup> Lower homeownership rates have greatly affected Black families' ability to benefit from real estate appreciation, tax subsidies, and to amass generational wealth overall.

## Affordable Housing Continued

Systemic racial discrimination has also prevented many people of color from buying homes, which has widened the homeownership gap between Black and White households. Black households had the highest rentership rate in 2022 at 55 percent, followed by Latinx households at 51 percent.<sup>270</sup> Meanwhile, the rate at which White households rent their homes is less than half of the rate for Black renters (26 percent).<sup>271</sup> Moreover, data show that even when Black Americans can afford to purchase a home, these households represent the largest percentage of homeowners who spend more than half of their income on housing.<sup>272</sup>

The affordable housing shortage crisis is made worse by developers' overwhelming preference to construct high-end-priced dwellings. According to Yardi Matrix, a consulting company reporting on multifamily, student housing, office, industrial, and self-storage properties across the United States, found that 86 percent of new apartment developments built over the past decade are classified as "luxury dwellings."<sup>273</sup> This has resulted in many low-income and middle-income Black Americans being priced out of the market.

## Discriminatory Housing Practices

Faced with the shrinking supply of affordable housing increases the likelihood of non-compliance with the Fair Housing Act.<sup>274</sup> Violations of the FHA have already been documented.<sup>275</sup> For instance, major lenders have been caught charging higher interest rates for home loans to customers of color compared to White customers, which ultimately results in Black homeowners paying higher prices for the same home.<sup>276</sup> A Harvard University study analyzing data compiled by the 2019 American Housing Survey, found that high-income Black homeowners not only have primary mortgages with higher interest rates than White homeowners with similar incomes, but they also have higher interest rates than White homeowners with substantially lower incomes.<sup>277</sup> Additionally, a study sponsored by LendingTree found that in all 50 metros it examined, "Black homeowners are more likely to receive high-cost purchase loans than the overall population."<sup>278</sup> On average Black homeowners pay a 13 percent higher property tax burden in the same jurisdiction as White borrowers.<sup>279</sup> This practice, referred to as the "Black tax" means that the average Black homeowner will pay an additional \$13,464 over the life of their loan, which equates to \$67,320 in lost savings for Black households.<sup>280</sup>

The trend of saddling Black homeowners being given higher home loans than White homeowners is not new. A 2007 study found that a disproportionately large percentage of "high cost" loans<sup>281</sup> were given to Black and Latinx homeowners in 2006. The study concluded that 48 percent of home loans were "high cost" for Black homeowners and 42 percent for Latinx families.<sup>282</sup> By comparison, 18 percent of the home loans given to White families were classified as "high cost" and approximately 24 percent for the overall population. Fair housing advocates claim that this was a contributing factor to the subprime lending crisis and resulted in many Black and Latinx homeowners losing their homes.<sup>283</sup>

## Discriminatory Housing Practices Continued

Since the collapse of the real estate bubble in 2008, litigants have sued banks alleging racial discrimination. For instance, in *Baltimore v. Wells Fargo*, the city claimed that "Wells Fargo deliberately steered African American borrowers who qualified for prime loans into more onerous subprime loans, and in instances in which Wells Fargo targeted borrowers who already owned their homes with affordable mortgages or no mortgages at all but steered them into high-cost refinance or home equity loans."<sup>284</sup> Testimony presented in another case, *City of Memphis and Shelby County v. Wells Fargo Bank, N.A.*,<sup>285</sup> a loan officer who worked for Wells Fargo testified that:



*[[It was the practice at the Wells Fargo offices where I worked to target African Americans for subprime loans. It was generally assumed that African American customers were less sophisticated and intelligent and could be manipulated more easily into a subprime loan with expensive terms than white customers.]*<sup>286</sup>



With these predatory and discriminatory practices, many Black and Latinx homeowners were coerced into high-cost, high-risk mortgages that later pushed homeowners into foreclosure and repossession. As a result, "instead of building wealth, these high-cost loans relentlessly stripped assets away from Black and Latino communities and widened inequalities."<sup>287</sup>

While racial discrimination drives up the price of housing for African Americans, it also drives down the value of their homes through redlining and "White flight." Taken together, these are all contributing factors to the racial wealth gap, as these practices impact wealth accumulation – and subsequently, intergenerational wealth – which will be further discussed in the Labor and Employment Subcommittee section of this report.

## Housing Insecurity and Evictions

In addition to facing the consequences of housing segregation and low homeownership access, Black individuals are more vulnerable to housing insecurity and eviction. Black renters are among the most likely to be evicted from their homes compared to other racial and ethnic groups. One study determined that after controlling for education, Black households are more than twice as likely than White households to be evicted.<sup>288</sup> Another study found that while Blacks represented 19.9 percent of the adult renter population, they made up 32.7 percent of all eviction filing defendants. In comparison, White renters were underrepresented, making up 51.5 percent of all adult renters, but only 42.7 percent of all eviction filing defendants.<sup>289</sup> Overall, Black renters experienced an average rate of eviction filing of 6.2 percent and an average eviction rate of 3.4 percent. White renters experienced rates of 3.4 percent and 2 percent, respectively.<sup>290</sup> Another study found that Black eviction occurred 195 percent more than White eviction removals (4,775 vs. 1,614, respectively).<sup>291</sup>

Black renters are also more likely to be repeatedly filed against for eviction at the same address; the serial eviction filing rate was 14.7 percent for Black and 9.7 percent for White renters.<sup>292</sup> A study of forced displacement from rental housing also found that Black renters who are forcibly displaced through informal or formal evictions are more likely to relocate to areas with high poverty rates. All other factors being equal, it is estimated that an evicted Black renter will move to a neighborhood with an average poverty rate of 20.2 percent, while an evicted White renter will move to a neighborhood with an average poverty rate of 13.4 percent.<sup>293</sup>

## Housing Insecurity and Evictions Continued

According to data collected by Eviction Lab, a nonprofit that tracks evictions in the United States, the share of filings and eviction judgments against Black renters was considerably higher than their total share of the renter population. Researchers found that nearly one in four Black renters lived in a county where the Black eviction rate was more than double the White eviction rate.<sup>294</sup> Table 4 below shows the number of evictions across 1,195 counties analyzed by Eviction Lab, broken down by race and gender. These data demonstrate that evictions were greatest for Black renters, and specifically for Black women.

**Table 4: Number Of Evictions By Race and Gender**

Race	Men	Women
Black	83,182	113,415
White	142,934	153,954
Latinx	51,456	56,400
Asian	N/A	N/A

\*N/A data not available.

Source: Peter Hepburn, Renee Louis, and Matthew Desmond, "Racial and Gender Disparities among Evicted Americans," Eviction Lab, Dec. 16, 2020.

The Eviction Lab's study concludes:



*Eviction is not only a consequence of poverty, but also a cause. The large racial disparities in eviction rates documented here likely contributes to racial and gender inequalities in economic, social, and health outcomes.*<sup>295</sup>



Housing insecurity also affects Black residents at a neighborhood level. For example, 70 percent of evictions in Boston were filed in communities of color, which make up 52 percent of the city's rental market.<sup>296</sup> Specifically, 18 percent of renters lived in majority-Black neighborhoods, but 37 percent of evictions were filed in majority-Black neighborhoods. Forty-eight percent of renters lived in majority-White neighborhoods, but only 30 percent of evictions were filed in majority-White neighborhoods. In Virginia, when controlling for poverty and income, approximately 60 percent of majority-Black neighborhoods have an annual eviction rate that is greater than 10 percent of households, which is about four times the national average.<sup>297</sup> In Richmond, for every 10 percent increase in a neighborhood's African American population, there was a 1.2 percent increase in eviction rates. This is compared to a 0.9 percent decrease in eviction rates for every 10 percent increase in the White population. One study found that "the share of the renter population that is Black has a stronger predictive value than the share of the renter population that is cost-burdened" on eviction rates.<sup>298</sup>

## Housing Insecurity and Evictions Continued

Rising rents and evictions are not the only issues facing Black renters, however. Skyrocketing rents make it increasingly difficult for these households to purchase a home and exit the rental market. Nationwide, the National Association of Realtors estimates that 47 percent of White renter households and 36 percent of Black renter households can afford to buy a typical home when comparing qualifying income to purchase a home and the median income of renter households (see Table 5).<sup>299</sup>

**Table 5: Percentage Of Renters That Can Afford To Buy The Typical Home By Race**

Race	Percentage
Black	36%
White	47%
Latinx	N/A
Asian	N/A

\*N/A data not available.

Source: Brandi Snowden and Nadia Evangelou, "Racial Disparities in Homeownership Rates," National Association of Realtors, Mar. 3, 2022.

Accessing affordable housing becomes even more challenging for renters with criminal records. Formerly incarcerated Black men face stigma and discrimination associated with having a criminal background, which poses a major barrier to accessing housing. Several states have enacted restrictive legislation and enforced laws that prevent formerly incarcerated persons from receiving supplemental housing assistance.<sup>230</sup> Because of a prior conviction, many cannot get temporary housing assistance, Section 8 assistance that can include housing choice vouchers, rental assistance, homeownership programs, single room occupancy (SRO-moderate rehabilitation), or access to other state rental assistance programs. Furthering the stigma of incarceration, many returning citizens with families face HUD-mandated restrictions that bar them from being added to their partner or spouse's lease.<sup>231</sup>

# Subcommittee on Housing

## Home Appraisals

According to tech real-estate marketplace company Zillow:



*A home is the single-largest component of many households' wealth, and homeowners of color in particular are more likely to have the bulk of their household wealth tied up in their home. Homeowners also often depend on their home's equity as a savings cushion — especially in difficult times like the current pandemic-induced recession in which a wave of homeowners have refinanced and taken cash out of their homes.*

*A home is also very often passed down to future generations, helping set them up for success and continued upward mobility. Thus, the relatively larger dip in home values and coinciding drop in homeownership among Black and Latinx communities during the Great Recession and early recovery years meant they lost a huge amount of wealth and opportunity.<sup>302</sup>*



For decades, research has consistently shown that homes in most-White communities have been generally appraised at higher values than homes in predominantly Black communities. This is true even when comparing housing stocks that have the same characteristics (e.g., age, square footage, number of rooms) and neighborhoods of equal socioeconomic status.<sup>303</sup> The Brookings Institute analysis found differences in home and neighborhood quality do not fully explain the devaluation of homes in Black neighborhoods. Homes of similar quality in neighborhoods with similar amenities are worth 23 percent less (\$48,000 per home on average, amounting to \$156 billion in cumulative losses) in majority Black neighborhoods, compared to those with very few or no Black residents.<sup>304</sup>

Homes in communities where the share of the population is at least 50 percent Black are valued at approximately half the price of homes in communities with no Black residents.<sup>305</sup> Analyzing reported home values, sociologists Junia Howell and Elizabeth Korver-Glenn found that the racial makeup of a community was an even “stronger determinant” of a home’s appraised value in 2015 than it was in 1980; to Black homeowners’ increasing disadvantage. Their study found that the race appraisal gap has doubled since 1980. For instance, the difference in average home appraisals between largely White neighborhoods and those that are predominantly Black and Latinx communities was \$164,000 in 2015, up from about \$86,000 in 1980.<sup>306</sup> Their study also found that homes in White communities appreciated in value, on average, almost \$200,000 more than comparable homes in communities of color.<sup>307</sup>

In another study examining 17 major American cities comparing appraisal values between Black and White neighborhoods, only two cities had a gap in median home values below \$100,000.<sup>308</sup> In Atlanta, the most segregated city studied, homes in White neighborhoods were worth approximately 4 times more than homes in Black neighborhoods, or an average of \$350,521 more.<sup>309</sup> The study goes on to assert:



*In Denver, a biracial couple hoped to renovate their home and received an initial appraisal of \$405,000. During this appraisal, Lorenzo, a Black man, was at home with the couple's children. The couple got a second appraisal, and this time, Gwen, a white woman, stayed home. They received an appraisal of \$550,000, a \$145,000 increase.<sup>310</sup>*



## Home Appraisals Continued

Several lawsuits have also been filed against real estate financing companies for housing discrimination in the past few years. Wells Fargo has been accused of only accepting 47 percent of Black borrowers' applications, compared to 72 percent of their White customers'.<sup>311</sup> Redfin is accused of using their minimum price policy as a form of "digital redlining" by not offering services in non-White zip codes at a disproportionately higher rate than in White zip codes.<sup>312</sup> Fannie Mae, a government-sponsored lending institution, is also being sued for purposely failing to maintain foreclosures in Black neighborhoods to the same level of quality as it does in White neighborhoods. An investigation revealed that real-estate owned (REO) properties in White neighborhoods were more likely to have professional 'for sale' signs prominently displayed in the yard, have trimmed grass, and have secured doors and windows. However, REO properties in communities of color were much more likely to have many more deficiencies, including significant amounts of trash and debris, overgrown grass and invasive plants, and unsecured or broken doors and windows, accumulated mail, and other maintenance failures.<sup>313</sup>

A 2019 study also found that Black applicants were 80 percent more likely to be denied conventional mortgages eligible for backing by Fannie Mae and Freddie Mac compared to comparable White applicants, calling algorithm bias into question.<sup>314</sup>

Due to devaluation, Black homeowners also find themselves excluded from the same wealth-building opportunities that White homeowners have. When comparing houses of similar quality in neighborhoods with similar amenities, houses in majority-Black neighborhoods are valued at 23 percent less than majority-White neighborhoods, representing a cumulative equity loss of \$156 billion.<sup>315</sup> These disparities in homeownership are often cited as one of the largest contributors to the racial wealth gap. In 2019, the median White family had almost 8 times the net assets than the median Black family.<sup>316</sup> This has significant ramifications in net worth, wealth generation, and transgenerational wealth succession and further exacerbates the Black-White wealth gap, which is rooted in structural racism and inequitable practices.



## Housing Insecurity and Homelessness

As a result of discriminatory housing practices and policies, Black Americans also experience the highest rate of homelessness among communities of color over the past decade. According to the National Alliance to End Homelessness, in 2019, Black Americans made up 13 percent of the general population, but more than 40 percent of the unhoused population.<sup>317</sup> Similarly, in a 2019 HUD report, Black Americans made up nearly half of the unhoused population.<sup>318</sup> These data are further explained by widespread gentrification across the nation that has pushed Black families geographically out of cities and further away from traditional family support systems, social services, bus lines and transit systems, and employment opportunities.<sup>319</sup>

Since the 1980s, Blacks have been overrepresented in the unhoused population. Despite making up 12 percent of the population, 40.4 percent of the country's homeless population identifies as Black.<sup>320</sup> Members of Black families are seven times as likely as members of White families to spend time in a homeless shelter.<sup>321</sup> Black men are also less likely to exit shelters than White men, which can partially be explained by higher rates of incarceration among Black men. A felony conviction can disqualify an individual from public housing for several years, and many previously incarcerated individuals continue to face housing discrimination on account of their criminal record.<sup>322</sup> Two-hundred and three out of every 10,000 formerly incarcerated people are homeless, and as many as 570 out of every 10,000 are housing insecure.<sup>323</sup>

One qualitative study found that formerly incarcerated Black men who are currently unhoused listed unemployment, "poor or severed family connections," and "histories of violence with their partners" as top reasons that prevented them from returning to their former residences.<sup>324</sup> Formerly incarcerated unhoused men are also less likely to be sheltered than formerly incarcerated unhoused women – the rate of sheltered homelessness per 10,000 formerly incarcerated people is 90 for men and 156 for women.<sup>325</sup> Formerly incarcerated Black men are more likely to be unsheltered than formerly incarcerated White men – the rate of unsheltered homelessness per 10,000 formerly incarcerated people is 124 for Black men and 81 for White men.<sup>326</sup>

## Housing Insecurity and Homelessness Continued

The experiences of Black men in shelters can be especially traumatic. One shelter case manager noted that shelter staff can reproduce the same abuse-of-power dynamic as the police:



*In the guise of “maintaining security and social order,” staff are empowered to stop, search, question, and detain our mostly Black shelter guests on the vaguest of descriptions... In addition, shelter guests do not have cultural permission to question a staff member’s authority or decisions. Like the police, staff members also perceive disrespect and “non-compliance” when guests do question their decisions. Staff may then escalate in order to maintain power and status. During an encounter with a staff member that is escalating, the shelter guest may be “charged” with broadly defined infractions that are identical to offenses the police would charge them with: non-compliance, assault, disturbing the peace, and disorderly conduct.*

*Many shelters do have formal grievance procedures; however, in my experience, shelter guests are reluctant to file grievances against shelter staff because they expect their complaints to be ignored or to prompt retaliation. A shelter staff-member’s decision to punish or discharge a guest to the streets is often guided by how disrespected the staff-member feels by the subject. These tendencies toward suspicion and high attention to disrespect operate simultaneously within a cultural atmosphere where homeless men are disproportionately Black, while stereotypes of Black men and boys as dangerous, violent, aggressive, and criminal are prevalent.<sup>327</sup>*



Black men reentering society after incarceration with criminal records and those who are unhoused are especially vulnerable and impacted by the housing crisis in ways that have yet to be fully examined. While a full discussion of housing inequities and its effects on these two populations are outside the purview of this report, in future reports, the Housing Subcommittee recommends the Commission develop a study to examine if restrictions placed on formerly incarcerated citizens and displacement and removal practices targeting the unhoused represent civil rights violations.

Although some progress has been made in decreasing disparities in homeownership rates, major challenges still lie ahead. The combination of the racialization of space,<sup>328</sup> housing affordability crisis, and gentrification has had disparate impacts on Black Americans across the nation. For example, the racialization and demarcation of spaces mean that in so-called “White spaces” the presence of people of color can be interpreted and perceived as out of the ordinary, unusual, dangerous, unfriendly, hostile, and/or criminal.<sup>329</sup> Thus, spaces are informally perceived as “off limits” and work to further limit the movement of Black families when seeking affordable housing options. Gentrification also poses a significant barrier for Black Americans. As discussed, while Black Americans struggle to afford housing, they are also disproportionately being displaced from homes, communities, and cities where they have resided for decades and generations.<sup>330</sup>

## Housing Insecurity and Homelessness Continued

While explicit housing discrimination has long been outlawed, the legacies of policies and practices such as redlining and exclusionary zoning continue to this day through systemic racism against Black residents. The nation has yet to address the historical legacy of housing discrimination and its practices, including restricted covenants, redlining, and segregation, all of which are still largely present, despite the passage of the Fair Housing Act.<sup>331</sup>

Housing injustice affects Black Americans' ability to build generational wealth, and it seriously affects their access to safety and wellbeing. Improving access to both temporary and permanent housing for Black men and boys, especially those have been involved in the criminal justice system, should be a housing priority, and represents a major step towards reducing the effects of systemic racism.

# Subcommittee on Labor and Employment

## Overview

Economics remains the area with the greatest degree of inequality in the United States, according to the National Urban League’s Equality Index measuring the relative status of Blacks and Whites in American society, in five key areas—economics, health, education, social justice, and civic engagement.<sup>332</sup> In 2009, the Economics Equality Index was 57.4 percent.<sup>333</sup> In 2022, the Economics Equality Index grew to 62.1 percent.<sup>334</sup> These data suggest that 38.9 percent, or nearly four out of ten of Black Americans are being excluded from significant societal systems, including the labor market, which limits their ability to compete fully and equally.

The below section offers an introductory examination regarding some of the inequities and barriers present across the nation that impede Black men’s ability to compete equally in the labor market. In future reports, the Labor and Employment Subcommittee will seek to investigate the impediments to the growth of Black wealth. These future studies will examine factors that contribute to the accumulation of wealth that consists of, but is not limited to, increasing economic opportunities through entrepreneurship, wages, home ownership, educational achievement, and health outcomes. As such, these future research studies will provide the Commission with more insight into some of the challenges and barriers that Black men face in terms of entrepreneurship, the survivability of Black-owned businesses, and accessing stable employment opportunities.

## Entrepreneurship

Vibrant entrepreneurship is an essential component of every community’s ability to generate wealth. The ability to generate recurring and exponentially increasing income, separate from one’s salary, is critical to the development of both individual and community wealth. Entrepreneurial investment efforts combined with consumer buying power should create wealth in the Black community, however, data suggest that for many, this has not been the case.<sup>335</sup>

In 2018, Black-owned businesses, accounted for 2.2 percent of employer businesses nationally.<sup>336</sup> According to the U.S. Census Bureau’s Annual Business Survey, the top ten major industry sectors in which Black-owned businesses participate nationally:

1. Health Care and Social Assistance
2. Professional, Scientific, and Technical Services
3. Administrative, Support, Waste Management, and Remediation Services
4. Retail Trade
5. Other Services (Except Public Administration)
6. Construction
7. Accommodation and Food Services
8. Transportation and Warehousing
9. Finance and Insurance
10. Real Estate, Rental, and Leasing<sup>337</sup>

## Entrepreneurship Continued

Nationally, in 2019, there were 3.12 million Black-owned businesses in the United States, generating \$206 billion in annual revenue and supporting 3.56 million U.S. jobs.<sup>338</sup> Black Americans represent approximately 14 percent of the U.S. population, but are underrepresented as business owners, with only 2.3 percent of owners of employer firms (see Table 6).<sup>339</sup> Comparatively, White-owned employer firms comprise 83.5 percent of all employer firms—8.2 percentage points higher than the White share of the population. Asian Americans own 10.1 percent of employer firms even though they make up only 6.6 percent of the U.S. population.<sup>340</sup>

**Table 6: Business Representation By Race/Ethnic Group**

Race	Population	Employer Business	Non-Employer Business
Black	14.0%	2.3%	11.8%
White	75.3%	83.5%	77.2%
Latinx	18.0%	6.0%	14.7%
Asian	6.6%	10.1%	7.8%
Other	7.6%	0.6%	0.5%

Note: Data for population and employer businesses are for 2019 and data for non-employer businesses are from 2018.

Source: Andre Perry, Regina Seo, Anthony Barr, Carl Romer, and Kristen Broady, “Black-owned businesses in U.S. cities: The challenges, solutions, and opportunities for prosperity,” Brookings Institute, Feb. 2022.

As Table 6 demonstrates, Black-owned businesses are more likely to be non-employer firms (i.e., business with no paid employees). For instance, in 2019, 4.1 percent of Black-owned businesses were employer businesses, compared to 19 percent of White-owned businesses. Proportionally, this would mean that if there was an equivalent share of employer businesses to the overall Black population, there would be almost 800,000 more Black businesses.<sup>341</sup> Moreover, if the number of Black businesses reached parity and matched the population size and the revenue of each of those firms matched non-Black businesses’ revenue, the total revenue of Black businesses would increase by approximately \$5.9 trillion and create more than 19 million jobs.<sup>342</sup>

Breaking these numbers down nationally, data show that nine of the top 10 metropolitan areas with the highest percentage of Black-owned businesses are in the South. In each of the nine metros, at least 25 percent of the population is Black.<sup>343</sup> None of the metropolitan areas had a representation of Black-owned businesses proportional to the population of the respective metropolitan area.<sup>344</sup> According to the report, Black-owned businesses are most concentrated in the health care and social assistance sectors, followed by the transportation and warehousing industries. Moreover, Black-owned businesses are significantly more likely to be owned by Black women than the national average (35.4 percent, 20.9 percent, respectively).<sup>345</sup>

# Subcommittee on Labor and Employment

## Entrepreneurship Continued

A 2021 Brookings Institute study found that approximately 96 percent of Black-owned businesses are sole proprietorships (i.e., unincorporated business with one owner) which makes it increasingly difficult for business owners to raise capital; and researchers found that this may be especially true for Black business owners.<sup>346</sup> According to researchers:



*The underrepresentation of Black-owned businesses does not come from a lack of will or talent. Gallup psychologists developed an assessment (Builder Profile 10) to measure the enduring characteristics that predict success as an entrepreneur, including appetite for risk, creativity, and determination. There are no statistically significant differences in performance on the Builder Profile 10 between non-Latino or Hispanic Whites and Latino or Hispanic and Black people, according to Gallup's analysis. Rather, the underrepresentation of Black businesses encapsulates a myriad of structural barriers underscoring America's tumultuous history with structural racism.<sup>347</sup>*



One of the most significant impediments to the growth and development of Black-owned businesses is the denial of equal opportunities for wealth accumulation, which makes it increasingly difficult for Black households to start a business.<sup>348</sup> Furthermore, due to historic discrimination in housing, banking, and lending means potential Black entrepreneurs have significantly less startup capital than their non-Black peers.<sup>349</sup> More discussion regarding these barriers will be discussed further below and in the Housing Subcommittee section of this report.

Another important component in the growth of Black-owned businesses is associated with the total buying power (i.e., total income after taxes) of Black communities at the national level. For instance, the national buying power of U.S. consumers in 2010 was \$11.3 trillion and grew 55 percent, to \$17.5 trillion by 2020.<sup>350</sup> In 2020, Black buying power reached its highest point increasing to \$1.6 trillion, accounting for 9 percent of the United States' total buying power. This represents a 45 percent national increase compared to Black buying power in 2011.<sup>351</sup> According to researchers:



*The diversification of the U.S. consumer market has been driven by many factors, including population growth, favorable demographics, entrepreneurial activity and rising levels of educational attainment ... A major factor underpinning the growth of the nation's minority markets is that African Americans, Asians, and Hispanics continue to become more highly educated, which allows proportionally more Blacks, Asians, and Hispanics to enter occupations with higher average salaries.<sup>352</sup>*



# Subcommittee on Labor and Employment

## Black Buying Power in Post-Segregated Communities

While the nation has witnessed a growth in Black buying power, misleading information regarding Black spending patterns has been spread throughout the general public for decades. One prominent statistic posits: “consumer dollars only spend six hours circulating in the Black community, compared to 28 days in Asian communities, 19 days in Jewish communities, 17 days in White communities.”<sup>353</sup> This statistic is problematic because it can lead to bad marketing, negative perceptions that Black-owned businesses are substandard, and convey a false impression that Black consumers do not want to support Black business. This can harm efforts to solicit new customers, both Black and non-Black. In addition, misleading information fails to consider unique challenges and undermine efforts faced by Black-owned businesses and potential Black entrepreneurs’ efforts to start and potentially grow a business operation.

Data from market research organizations such as Nielsen, Chicago-based Target Market News, and public research institutions such as University of Georgia’s Selig Center for Economic Growth track Black American spending patterns and have cast considerable doubt on the claim that Black consumers are less likely to direct their purchasing power into their own communities.<sup>354</sup> For instance, Jeffrey M. Humphreys, Director of the Selig Center for Economic Growth, refutes the claim that Black consumers are not investing money in their own communities stating: “I’ve never heard that. It’s not from our Center, and it does not sound accurate, but I’ve got no idea what the actual numbers are.”<sup>355</sup> William Spriggs, a former Department of Labor official in the Obama Administration similarly stated that:

“It’s what I consider an urban myth... when you say Asian communities, you’re talking about a very diverse population that includes Indians, Chinese, Japanese, Koreans and they are all different and not a monolithic community. It would be a mistake to try and include all of these different people under one umbrella to talk about spending in communities.”<sup>356</sup>

Dispelling buying habit disinformation is important because it asserts the notion that people in poor communities of color would thrive if only they invested their resources better, while downplaying or disregarding structural barriers that make running a successful business incredibly difficult. A blog that focuses on Black-on-Black spending, *Of Color* writes:

“The truth is that economies of scale make the goods and services offered by small businesses in our [Black] communities likely more expensive than those at Walmart, for example. In this regard, the relatively lower levels of wealth and income in our communities may sometimes make spending outside of our communities a survival necessity. But the myth of the black dollar has been weaponized and used against people of color to show a lack of restraint and commitment to our communities for too long. It’s long been time for this myth to be dismantled, and let’s work to shout this truth loud enough to drown out the pervasive lie.”<sup>357</sup>

# Subcommittee on Labor and Employment

## Black Buying Power in Post-Segregated Communities Continued

Additionally, the lack of attention to structural barriers for Black entrepreneurship is especially important as Black business owners attempt to recover from the COVID-19 pandemic; since data show that the pandemic impacted Black-owned businesses more than any other racial group.<sup>358</sup> For instance, between February and April of 2020, Black business ownership declined more than 41 percent which represented the largest drop across any ethnic group.<sup>359</sup> Following the onset of the COVID-19 pandemic in 2020, the federal government established the Paycheck Protection Program designed to aid small businesses and help them survive the economic downturn caused by the pandemic. However, data show that these funds were slow to reach Black business owners compared to White business owners.<sup>360</sup> In the fall of 2020, the Federal Reserve conducted a Small Business Credit Survey examining the Paycheck Protection Program. The survey found that 79 percent of White-owned firms received all the funding they requested when they applied for credit from the program. By comparison, only 43 percent of Black-owned firms received the funding in which they requested.<sup>361</sup> While an in-depth analysis on these data is beyond the purview of this report, in future reports, the Labor and Employment Subcommittee will further examine the underlying causes to these significant disparities regarding the Paycheck Protection Program funding requests and outcomes.

## Wages

In 2020, the median hourly earnings of wage and salary workers for the nation was \$16.36. Breaking these numbers down by race and ethnicity show that both Asian and White workers earned over the median national average (\$17.25 and \$16.78, respectively).<sup>362</sup> Latinx and Black hourly workers earned nearly the same (\$15.20 and \$15.17, respectively); however, Black hourly workers earned the least compared to the other groups (see Table 7).

**Table 7: Median Hourly Wages (2020)**

Race	Hourly Wage
Black	\$15.17
White	\$16.78
Latinx	\$15.20
Asian	\$17.25

Source: Statista Research Department, May 2, 2022.

In 2019, the median weekly earnings for Black and Latinx workers, working full-time jobs, were lower than White and Asian workers (\$727, \$718, \$943, \$1,247, respectively). Breaking earnings down by gender, show that Black men earned almost 75 percent of the median for White men (\$768, \$1,025, respectively), with Black women earning 81 percent of median White women's earnings (\$683, \$843, respectively).<sup>363</sup>



# Subcommittee on Labor and Employment

## Wages Continued

In July 2022, the median weekly earnings for full-time wage and salary workers show that for all men 25 years and older was \$1,211 (\$62,972 annually) and \$989 (\$51,428 annually) for all women 25 years and older.<sup>364</sup> Breaking down earnings by race/ethnicity and gender show that among men, Asian men earned the most (\$1,567), followed by White men (\$1,236), Black men (\$991), and Latino men earning the least (\$917). A similar pattern emerged for women, with Asian women earning the most (\$1,216), followed by White women, Black women, and Latinas earning the least (\$1,008, \$867, \$789, respectively) (see Table 8).<sup>365</sup>

**Table 8: Median Usual Weekly Earnings Of Full-Time Wage And Salary Workers By Race And Gender (2nd Qtr. 2022)**

Race	Men	Women
Black	\$991	\$867
White	\$1,236	\$1,008
Latinx	\$917	\$789
Asian	\$1,567	\$1,216

Source: U.S. Bureau of Labor Statistics, Usual Weekly Earnings of Wage and Salary Workers, Second Quarter.

The national economy has become increasingly segmented between high-wage knowledge-based economy jobs and low-wage service sector jobs since the 1980s.<sup>366</sup> This shift contributed to a significant decline of middle-wage jobs that were the traditional stepping-stone into the middle class for workers without college degrees. Furthermore, some high-wage workers are seeing tremendous income gains while low-wage workers' wages have stagnated or declined.<sup>367</sup> Moreover, examining the loss of low-wage jobs by race and gender, expose that racial and gender inequity is structurally entrenched into earnings disparities, with workers of color and female workers segregated into the lowest-paid occupations and sectors.<sup>368</sup>

In 2021, a U.S. Census Bureau report showed that the median household income of Black men ages 16 years old and older working full-time year-round as \$45,870 for year 2020 (see Table 9).<sup>369</sup> This was significantly lower than other demographic groups. Wage disparities are even worse for Black women, with the average for Black single-women head of household family incomes was \$35,354 compared to \$40,815 for all single-women head of household family incomes.<sup>370</sup>

**Table 9: Household Median Income By Race, (2020)**

Race	Income
Black	\$45,870
White	\$74,912
Latinx	\$55,321
Asian	\$94,903

Source: U.S. Census Bureau, Income and Poverty in the United States: 2020.

# Subcommittee on Labor and Employment

## Poverty Levels, Middle-Class, and Household Income

According to data from the Federal Reserve's 2019 Survey of Consumer Finances (SCF), the median net worth of White families was \$188,200—7.8 times that of their Black peers, at \$24,100. This wealth gap translates to many other disparities, including in business ownership, which is heavily influenced by individual and family wealth.<sup>371</sup> A 2021 Pew Research Study found that 21 percent of Black adults were in the upper-income status compared to 14 percent in 1971, representing a 7 percentage points increase. In 2021, 29 percent of Black adults were in the lower-income status compared to 25 percent in 1971, representing a 4 percentage points increase. This represents a net gain of 3 percentage points in the share of Black adults that classified as upper-income status.<sup>372</sup> However, despite progress, Black adults still trail behind other groups in their socioeconomic status.<sup>373</sup>

In 2019, the employment rate for Black men was 64.8 percent, which was 4.4 percentage points lower than the rate of 69.2 percent for men overall.<sup>374</sup> The following year, the rate slightly increased to 65.6 percent.<sup>375</sup> Labor force involvement is often correlated with greater educational attainment and for Blacks that is no exception. For Black Americans with advanced degrees (e.g., master's, professional, doctoral), the rate increased to 77.9 percent in 2019 and 77.4 percent for Blacks with bachelor's degrees.<sup>376</sup> Studies have also shown that employers are more willing to hire White men with criminal convictions rather than hire Black men with no criminal record.<sup>377</sup> In some cases, employers are more willing to hire White men with criminal convictions even over Black men with college experience and no criminal record.<sup>378</sup>

The Center for Economic and Policy Research (CEPR) estimates that unemployment of Black men costs the U.S. economy \$50 billion annually.<sup>379</sup> As of June 2022, the Black male unemployment rate stood at 5.8 percent, nearly double the national rate of 3.6 percent.<sup>380</sup> In July 2022, the Black labor force participation rate dropped by 0.1 percentage points, from 62.3 percent to 62.2 percent.<sup>381</sup> The problem of joblessness for Black men is on average three times worse than what is generally assumed when incarceration rates, mortality, labor force participation, and other factors are taken into consideration. According to CEPR:



*A problem with the official labor market statistics is that they do not include the Black men who are incarcerated or allow us to evaluate the economic impact of the higher mortality rate of Black men. Prime-age Black men who are incarcerated or deceased still have children, family members, and partners who, under different circumstances, could benefit from their financial support. When one takes into account the incarceration and mortality rates of Black men, the EPOP [employment-to-population ratio] jobs gap jumps to four times the unemployment rate jobs gap, and the income deficit approaches \$50 billion a year.<sup>382</sup>*



A 2016 Washington Post analysis found that if incarcerated individuals were included in the official unemployment rate, the Black male unemployment rate would spike from 11 percent—where it was at the time the article was published—to 19 percent. By comparison, factoring in the White male incarcerated population into the White male unemployment numbers would raise the rate by less than 1.5 percentage points.<sup>383</sup>

## Homeownership and Generational Wealth

While income is a critical component to economic success in the United States, the ability to generate and pass down wealth is a substantial factor in decreasing economic disparities for Black Americans. Many of the economic disparities in the Black-White wealth gap are a result of multiple intersecting factors (e.g., race, education, gender), in correlation with structural barriers that contribute to vast wealth inequalities. While race is not always the reason for evidenced disparities, the Labor and Employment Subcommittee seeks to highlight ways in which structural racism and barriers to wealth-building instruments created and/or continually exacerbates existing disparities and inequities in education, employment, health, and wealth accumulation.

While each of the Commission’s Subcommittees focus on specific subject matter areas, to provide a holistic understanding of the systemic factors contributing to disparities for Black Americans, it is important to highlight these intersections. Therefore, one area that is closely connected to intergenerational wealth is homeownership. Nationally, according to the National Association of Realtors, in 2020, 43.4 percent of Black households lived in owner-occupied homes. In 2020, across the nation, homeownership for all Americans increased to 65.5 percent from 2019 rate of 64.2 percent.<sup>384</sup> While gains have been made, for some demographic groups, Black homeownership was the only group to decline since 2010.<sup>385</sup> See Table 10 below for a breakdown of homeownership by race and ethnicity.

**Table 10: Homeownership Percentage By Race**

Race	2020	2010
Black	43.4%	44.2%
White	72.1%	70.6%
Latinx	51.1%	47.3%
Asian	61.7%	58.5%

Source: Brandi Snowden and Nadia Evangelou, “Racial Disparities in Homeownership Rates,” National Association of Realtors, Mar. 3, 2022.

# Subcommittee on Labor and Employment

## Homeownership and Generational Wealth Continued

Housing scholars suggest that one explanation for this decline may be due to many Black families not having fully recovered from the foreclosure crisis of the Great Recession in 2008. Additionally, in May 2020, at the height of the COVID-19 pandemic, about 17 percent of Black homeowners and 8 percent of Latinx homeowners reported having missed their mortgage payment compared to about 4 percent of White homeowners.<sup>386</sup> In its July 2020 release, *A Looming Crisis: Black Communities at Greatest Risk of COVID-19 Foreclosure*, the National Consumer Law Center issued the following warning:



*Homeowners of color, particularly Black and Latinx homeowners, will face disproportionately high foreclosure rates in the coming months and years unless substantial foreclosure prevention measures are adopted immediately. Targeted data collection and reporting requirements also must be instituted to provide transparency and accountability and to promote sustainable policy development.<sup>387</sup>*



Another significant factor in accumulating intergenerational wealth is connected to the undervaluation of Black homes. This means that even for Black individuals who own their homes, disparities in home values continue to contribute to economic inequality. Research shows that Black homeowners continue to suffer diminished home values because of discriminatory market forces (e.g., White flight, lower appraisal values) and while a full discussion on these factors is outside the purview of this report, the Housing Subcommittee in future reports will be examining these factors.

## Educational Achievement

As discussed above, educational attainment is highly correlative to the issue of labor, employment, income, and wealth. This section provides an overview of these connections, for more data regarding the educational disparities for Black boys and men can be found in the Education Subcommittee section of this report.

One of the clearest relationships between educational attainment and the labor market is analyzing the connection to poverty rates. For example, the 2020 national population for individuals 25 years and over living below the poverty level has the following educational correlations—see Table 11.

**Table 11: Education Level And Percentage Living Below Poverty Level (2020)**

Education Level	Percentage Living Below Poverty Level
Less Than High School Graduate	24.7%
High School Graduate (Including GED)	13.2%
Some College, Associates Degree	8.4%
Bachelor's Degree Or Higher	4.0%

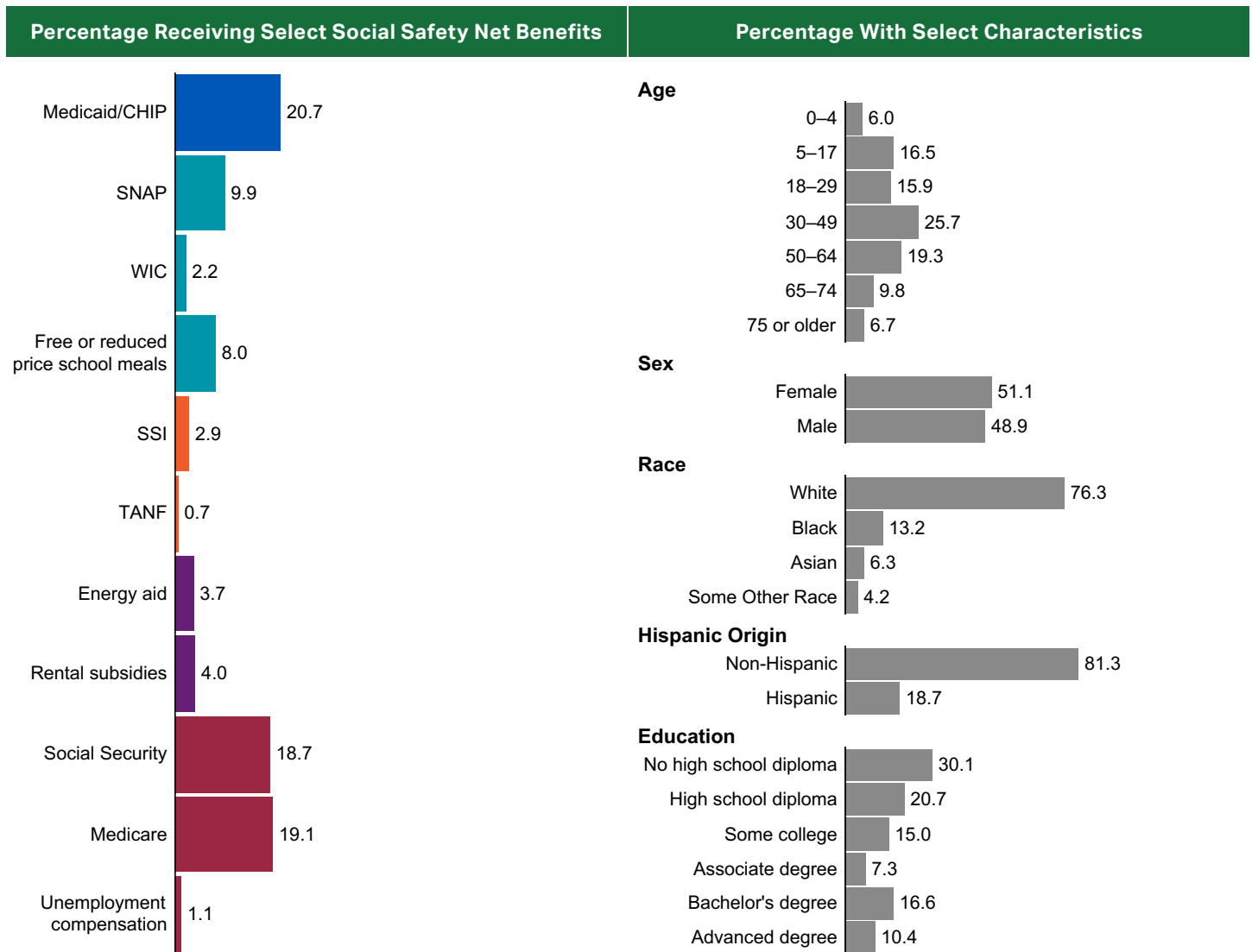
Source: Statista Research Department, Poverty rate in the United States in 2020, by education, Sept. 21, 2021.

# Subcommittee on Labor and Employment

## Educational Achievement Continued

Official statistics show that Black Americans are disproportionately below the poverty level. However, according to U.S. Census Bureau data, the 13.2 percentage of Black Americans receiving social safety net benefits in 2019 was less than their 13.4 percentage of their share of the total population (see Figure 7).<sup>388</sup>

**Figure 7: Who Receive Assistance From Government Programs In 2019**



Source: Michael D. King, New Interactive Data Tool Shows Characteristics of Those Who Receive Assistance; citing U.S. Census Bureau data.

Black Americans with less education are more likely to fall out of the middle class each year due to a variety of reasons. According to a recent Pew Research Center analysis of government data, "Black and Hispanic adults are more likely than White and Asian adults to move down the income ladder – and less likely to move up it – from one year to the next."<sup>389</sup> The report notes, "adults with lower levels of education are more likely than those with more education to see economic regression and less likely to see progression."<sup>390</sup>

# Subcommittee on Labor and Employment

## Educational Achievement Continued

From 2020 to 2021, nearly a fifth of Black (22 percent) and Latinx (20 percent) adults experienced a setback from the middle-income tier to the lower-income tier, compared with 15 percent of White adults and 12 percent of Asian adults.<sup>391</sup> At the same time, only 8 percent of Latinx adults and 12 percent of Black adults moved up from the middle- to the upper-income tier, compared with 18 percent of White adults and 25 percent of Asian adults.

The educational level of Black men nationally is competitive with the national rates. According to the Current Population Survey, in 2019, 88 percent of Black men obtained at least a high school diploma and 26 percent of Black men ages 25 and older had attained a bachelor's degree.<sup>392</sup> According to the National Center for Education Statistics, Black men received 13.4 percent of master's degrees and 9.2 percent of doctoral degrees conferred in 2018-19.<sup>393</sup>

Education achievements for Black men have not always produced better outcomes, however, due largely to structural and systemic discriminatory factors. The increased outcomes of Black men 25 years of age and older in obtaining college degrees are commendable but in some ways, obtaining more education is correlated with negative outcomes for Black men, in particular, health outcomes.<sup>394</sup>

## Perceptions About Education and Middle Class

The economic gap between college graduates and those with a high school education or less has increased, more than ever. According to a Pew Research Center survey conducted in 2015, however, the percentage of adults saying a college education is necessary to be middle class has fallen since 2012, from 37 percent to 30 percent.<sup>395</sup> These perceptions, however, may vary by race or ethnicity as well as age and gender. For example, Black Americans' attitudes regarding academic achievement have historically been significantly positive. In a National Education Longitudinal Study examining responses to a wide range of survey questions evaluating attitudes toward schooling, researchers found that on average Black Americans possess positive pro-school attitude responses to a wide range of survey questions gauging attitudes toward schooling, yet perform less well in school than do Whites.<sup>396</sup> This can perhaps be explained due to Black Americans' experiencing more limited economic opportunities comparable to other races and ethnic groups and also in combinations with Black Americans on average inheriting less intergenerational wealth than other demographic groups. Thus education, and the attainment thereof, offers more potential to secure higher wage employment and providing the opportunity to live a lifestyle associated with being identified as middle-class.

The National Education Longitudinal Study debunks and challenges gross misconceptions that Black Americans devalue the importance of education and academic achievement. Research has consistently shown that Black families do not devalue education, but other factors such as teacher expectations have been shown to be a "strong determinant" of student expectations and outcomes. Additionally, there is a lack of knowledge regarding the available resources to attend college for young Black men that needs to be addressed in order to support and increase the level of educational attainment among this demographic.

# Subcommittee on Labor and Employment

## Perceptions about Education and Middle Class Continued

Economic development is an essential component to stable and vibrant communities. As this section has outlined, the status of Black wealth across the nation is negatively impacted by structural barriers limiting entrepreneurial opportunities, under-development, scarce investment, low wages, disproportionate unemployment, high poverty levels, high costs of homeownership, increased foreclosures, and low educational outcomes. Although, the Black community has made progress in some areas, many economic advancements are significantly outpaced and surpassed by those of other demographic groups. Black progress lags White, Asian, and Latinx progress in nearly all key economic measurement indicators.

The information in this report is meant to offer a preliminary discussion regarding economic disparities and highlight potential opportunities for future Commission reports. The Black community has considerable purchasing power, and this strength must be strategically leveraged in both the larger economy, while simultaneously recirculated and reinvested back into Black-owned businesses. Similar to other demographic groups, Black consumers and Black-owned businesses must intentionally align together to promote and increase purchases from within the Black community and provide a wider array of products and services to each other and the larger economy to increase community wealth. This simple strategy, if practiced, can result in the growth of greater economic opportunities that can increase Black entrepreneurship, employment opportunities, reduce under- and unemployment, and increase individual and collective wealth within Black communities across the nation.

Based upon group buying power, total revenue and wages, research suggest that other ethnic groups spend a greater share of their buying power within their respective communities. This helps to explain the notable success of their respective businesses across the nation and the significant growth in wealth within these communities. Thus, the Labor and Employment Subcommittee recommends examining group demographic business, community entrepreneurship, purchasing, and spending behavior to develop approaches to facilitate successful economic strategies to the Black entrepreneurs.

Statistical data portrays significant disparities in earning power between Black Americans and other demographic groups. As in any community, a lack of resources creates an environment of neglect to meet the daily needs of individuals and families. According to the Southern Poverty Law Center, "socioeconomic factors including poverty, education, social status, and urban residence account far better for criminal behavior than race. Above all, income counts."<sup>397</sup> The limited access and potential barriers to legal entrepreneurial enterprises, and minimum wage or low-wage jobs, may also have an impact on crime rates within the low to mid-income Black communities. Entrepreneurial opportunities, economic investments, and living wages represent important elements to mitigating crime based on poverty. However, advocates of more conservative viewpoints are of the position that criminal behavior is a moral choice; and as result justice, economic, and social policies should be reflected of such viewpoints. In future reports, the Labor and Employment Subcommittee recommends a study co-sponsored with the Criminal Justice Subcommittee to review transgenerational legacy effects of antebellum slavery, Jim Crow segregation, state-endorsed oppression, contemporary institutional racism, and other structural barriers on economic behavior in the Black community. Policies need to address the role of structural barriers and systemic discrimination in order for Black men to be able to equitably compete in the free-market economy.

The Labor and Employment Subcommittee is committed to the goal of growing a more equitable economy for the Black community and conducting research and providing recommendations to shift public policy in a direction where all Americans can thrive.

## Legacy of Traumatic Experiences, Hardship, and Adversity

Daily life for Black men in the United States has consistently been characterized by greater risk and exposure to adverse childhood experiences, cultural and environmental traumas, and intergenerational stressors as a result of systemic and structural racism.<sup>398</sup> Poor self-worth, learned helplessness, and historical post-traumatic stress may have led to an acceptance of failure as a psychological fact. While the culture of slavery has changed, some of the harms of this institution have survived, and continue to affect the lives of Black men and boys in the present day.<sup>399</sup>

Negative health outcomes for Black men manifests in their early years. For instance, Black boys are disproportionately diagnosed with Attention-deficit/hyperactivity disorder (ADHD) and suffer other mental health indicators such as depression and drug abuse.<sup>400</sup> For all boys, regardless of race, data show that the rate of suicide significantly increases from boyhood to early adulthood. Before the age of 9, children commit suicide at similar rates,<sup>401</sup> however, by ages 10 to 14, the rate doubles for boys. Between 15 and 19, it is four times the amount, and by ages 18 to 24, it is six times the amount. Specifically for Black children, data have shown that more than one-third of elementary suicides involve Black children. In 2018, for the first time in history, the rate of suicides for Black children between the ages of five and 12 exceeded that of White children.<sup>402</sup>

These negative health outcomes are also carried into adulthood. The lack of access to quality health services results in countless Black men dying prematurely across the United States. Black patients are found to have higher rates of chronic disease, obesity, and premature death than White people. Black patients also suffer from higher rates of hypertension and stroke than any other demographic group. Studies also show that fewer Black men survive to an older age than White men at every age-specific interval.<sup>403</sup>

Black men, in particular, have the lowest life expectancy of any demographic group, living on average 4.5 fewer years than White men.<sup>404</sup> A study sponsored by the Association of American Medical Colleges and the Kaiser Family Foundation, Race, Ethnicity and Health Care concluded that Black men have the shortest life expectancy and the highest mortality rate when compared to men from other racial and ethnic groups.<sup>405</sup> The life expectancy for Black men in the United States peaked at 72.2 years in 2015,<sup>406</sup> and further decreased to 71.3 years in 2019 to 68.0 years in 2020.<sup>407</sup> The decline in life expectancy rates was exacerbated by the COVID-19 pandemic; and studies have found that Black men, in particular, suffered the highest mortality rates from COVID-19 compared to other demographic groups.<sup>408</sup>



# Subcommittee on Health and Healthcare

## Legacy of Traumatic Experiences, Hardship, and Adversity Continued

According to the Department for Health and Human Services, Office of Minority Health, Black Americans are generally at higher risk for heart diseases, stroke, cancer, asthma, influenza and pneumonia, diabetes, and HIV/AIDS.<sup>409</sup> According to the CDC, the 10 leading causes of death for Black men of all ages in the United States in 2017 were as follows:

1. Heart Disease 23.7%
2. Cancer 20.2%
3. Unintentional Injuries 7.9%
4. Homicide 5.0%
5. Stroke 4.9%
6. Diabetes 4.3%
7. Chronic Lower Respiratory Diseases 3.2%
8. Kidney Disease 2.6%
9. Septicemia 1.7%
10. Hypertension 1.6%<sup>410</sup>

The rate of prostate cancer in Black men is also significantly higher than it is for white men and the rate of mortality is almost double.<sup>411</sup>

Inadequate nutrition is a critical component contributing to the health crisis in the Black community. Inequitable health outcomes among the Black community are the result of many factors, such as poor diets that are often based upon inaccurate cultural beliefs, negative experiences with the health care industry, and the lack of access to health treatment centers, to name a few. Studies show that even when Blacks have health insurance coverage, they tend to have lower utilization than Whites. This is due, in part, to the proliferation of misinformation about the need for prevention and early screening and a lack of trust in an essentially White-dominated system that causes them to avoid seeking routine medical care that can lead to severe and sometimes deadly consequences.<sup>412</sup>

High death rates among Black men from preventable diseases leave many children to be reared in non-traditional (e.g., single mothers, single fathers, or extended family members) and oftentimes more challenging conditions. For instance, children without fathers frequently require state-subsidized financial support in order to meet their most basic needs. Additionally, poor children who grow up in less structured environments than are provided by engaged parental involvement are significantly more likely to underachieve in school, use drugs, and participate in gang activity.<sup>413</sup> Moreover, there is a strong correlation between poverty, poor education, inadequate health care, and violence. Based on their percentage of the population, Black Americans are more than twice as likely to live in poverty as White Americans; and Black children are three times as likely to live in poverty as White children.<sup>414</sup> While the true cost of the premature death rate among Black men from disease and violence is difficult to assess, its impact is significant.

## Social Determinants of Health

Social determinants of health such as socioeconomic status, education, neighborhood and physical environment, employment, and social support networks, as well as access to and use of health care play a major role in the health outcomes of Black men.<sup>415</sup> Thus, addressing these factors is essential for improving health outcomes and reducing longstanding health disparities.<sup>416</sup> Another factor that plays a significant role in health disparities is the enduring legacy of racism, and as a result, Black men may experience high levels of stress and anxiety. Racism and discrimination impact Black men every day of their lives, dehumanizing them, decreasing their quality of life, and even shortening their lives. As a result, Black men live, on average, four years fewer than White men.<sup>417</sup> Studies examining trauma exposure among community samples of Black men show that approximately 62 percent have directly experienced a traumatic event in their lifetime, 72 percent witnessed a traumatic event, and 59 percent have learned about a traumatic event involving a friend or family member.<sup>418</sup>

In light of these data, researchers and health practitioners have highlighted that negative health outcomes for Black men may also be due to a “weathering” effect, which is a result of the cumulative wear and tear on the body’s systems due to the repeated adaptation to stressors.<sup>419</sup> Weathering is described as the long-term decline in mental and physical health due to repeated exposure to chronic trauma, stress, racism, and marginalization.<sup>420</sup> The impact of chronic stress, trauma, and anxiety in the lives of Black men has a taxing and significant effect on their mental, physical and emotional health.<sup>421</sup> The high rates of incarceration among people of color in the United States may contribute significantly to racial disparities in health, particularly given the high rates of mental illness and infectious disease in the nation’s jails and prisons.<sup>422</sup>

Data also suggests that while Black men try to mitigate racism’s marginalizing effects by striving for higher levels of educational attainment and higher paying jobs, these strategies may not have the desired outcome and may cause many Black men to question their own value and worth.<sup>423</sup> Studies have shown that depression symptoms increase, rather than decrease in Black men with the highest educational credentials and incomes.<sup>424</sup> A report from the National Institute of Mental Health states that “[t]he weathering effects of living in a race-conscious society may be greatest among those Blacks most likely to engage in high-effort coping.”<sup>425</sup> This is further compounded by difficulties Black men incur escaping the effects of racism with the added layer of gender, known as racial misandry, or gendered or sexualized racism.<sup>426</sup> For instance, Black male trauma survivors were significantly less likely to utilize mental health services than their peers.<sup>427</sup> As a result of high-effort coping strategies, such as feeling like one must work harder than others to succeed due to anticipated discrimination, Black men may also be more vulnerable to dangerous and risky lifestyle patterns.<sup>428</sup>

Similarly, another report concluded that:



*Blacks experience early health deterioration as a consequence of the cumulative impact of repeated experience with social or economic adversity and political marginalization. On a physiological level, persistent, high-effort coping with acute and chronic stressors can have a profound effect on health. The stress inherent in living in a race-conscious society that stigmatizes and disadvantages Blacks may cause disproportionate physiological deterioration, such that a Black individual may show the morbidity and mortality typical of a White individual who is significantly older. Not only do Blacks experience poor health at earlier ages than do Whites, but this deterioration in health accumulates, producing ever-greater racial inequality in health with age through middle adulthood.<sup>429</sup>*



# Subcommittee on Health and Healthcare

## Laws, Policies, and Programs

Access to health care in the United States is largely associated with having access to health insurance. Black Americans are disproportionately uninsured compared to other groups.<sup>430</sup> Studies have found that Black men are less likely to qualify for public insurance programs because of the Medicaid coverage gap.<sup>431</sup> According to the Department of Health and Human Services (HHS), since the passage of the Affordable Care Act, the uninsured rate among Black Americans under age 65 decreased by 8 percentage points, from 20 percent in 2011 to 12 percent in 2019. However, the uninsured rate for Black Americans is still higher than that for white Americans: 12 percent compared to 9 percent.<sup>432</sup> Moreover, Southern states that have not expanded Medicaid have some of the nation's highest uninsured rates for all population groups; in particular, Southern states with large Black populations.<sup>433</sup>

The disparities in health care coverage are further compounded by the low numbers of available minority health care providers. Research shows that African Americans are not only more comfortable and prefer Black physicians but tend to have better health outcomes when being treated by Black physicians. According to Harvard Business Review, research has found that “physicians of color are more likely to treat minority patients and practice in underserved communities. Studies show that sharing a racial or cultural background with one’s doctor helps promote communication and trust.”<sup>434</sup> According to the Association of American Medical Colleges, in their 2021 State Physician Workforce Data Report, Black physicians only account for 5.3 percent of practicing physicians around the nation.<sup>435</sup> The report also indicated that Black psychiatrists account for 2 percent of psychiatrists and 2 percent of psychologists nationwide. This is significant because a study sponsored by the Association of American Medical Colleges concluded that Black physicians are more likely to work with other ethnic minority groups in underserved communities which helps promote communication and trust.<sup>436</sup> As a result, the researchers found that Black male patients agreed to more invasive, preventive care and received more effective care, which resulted in a significant reduction in preventable deaths.<sup>437</sup>

There are effective educational models and treatment programs for teaching victims of historical trauma to process and overcome the destructive effects of the past. Some advocates have argued, however, that there has not been enough national attention to address these historical and contemporary traumas. Effective strategies would require an investment in programs that are trauma-informed and culturally competent.<sup>438</sup> While conversations often focus on inequities, there is also the need to integrate a discussion about “health equity” models to help reduce health disparities among Americans. The Center for Disease Control and Prevention (CDC) defines health equity as the “state in which everyone has a fair and just opportunity to attain their highest level of health.” Achieving this requires ongoing societal efforts to:

- Address historical and contemporary injustices;
- Overcome economic, social, and other obstacles to health and health care; and
- Eliminate preventable health disparities<sup>439</sup>

As this overview has detailed, structural and systemic racism are fundamental causes of health inequities and poor health outcomes for Black men.<sup>440</sup> While advancements have been made to reduce health disparities, there are still many challenges to ensure that all Americans are receiving the healthcare that they need. Recently, these inequities have become even more apparent with the data from the COVID-19 pandemic that showed it had a disproportionate effect on communities of color. As the nation seeks to decrease health disparities, efforts to address systemic racism in our healthcare systems need to be a central element moving forward.<sup>441</sup> Professionals in mental health organizations, educational institutions, and civic and religious institutions can lead these efforts by utilizing broad-scale trauma-informed models to better support the mental, emotional, and psychological well-being of Black boys and men.

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# The Way Ahead

## Overview

As part of the work done by the Commission, experts convened for two virtual roundtables to discuss pertinent issues impacting Black boys and men in the United States. The first was held on April 22, 2022, which was a discussion on the role of the Criminal Justice system and its impact on the Black community.<sup>442</sup> At this roundtable, participants discussed the challenges faced by Black men and boys currently involved in the criminal justice system, intersections with other social institutions, and possible opportunities to address these inequities. This roundtable included:

- The Honorable Jim Clyburn, Congressman (SC-06)
- The Honorable Kristen Clarke, Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice and CSSBMB Commissioner
- Dr. Calvin Johnson, Deputy Assistant Secretary for Research, Evaluation and Monitoring, U.S. Department of Housing and Urban Affairs and CSSBMB Commissioner
- Benjamin Crump, Esq., Renowned Civil Rights Attorney
- Desmond Meade, President, Florida Rights Restoration Coalition
- Raymond Hart, Executive Director, Council of the Great City Schools
- Rev. Al Sharpton, Founder and President, National Action Network and CSSBMB Secretary (moderator)

The second roundtable was held on July 8, 2022, entitled: *Preventative Strategies to Mitigate the Social Disparities of Black Men in America*. At this roundtable, participants provided data and research regarding education and criminal justice disparities and offered recommendations and policy solutions to reduce them.<sup>443</sup> Roundtable participants included:

- The Honorable Frederica Wilson, Congresswoman (FL-24) and CSSBMB Chair
- The Honorable Jamaal Bowman, Congressman (NY-16) and CSSBMB Commissioner (Roundtable Moderator)
- Dr. Gregory C. Hutchings Jr. - Alexandria City Schools
- CSSBMB Commissioner Jack Brewer - The Brewer Group
- Dr. Robert Simmons, Head of Social Impact and STEM Programs, Micron Technology/Micron Foundation
- Troy Vincent - Vice President of Operations for the NFL
- Timothy Belcher Sr., Special Advisor to the City Manager, City of North Miami Beach

These roundtables were intended as a preliminary discussion anticipating the Commission's future work. This section, organized by subcommittee areas, will provide a brief overview of some of the initial data and studies that were discussed at the roundtable and adds to the ongoing conversation regarding the social status of Black men and boys.

## Education

One theme discussed at the July 2022 roundtable was the underrepresentation of Black educators and how this underrepresentation contributed to educational disparities for Black boys in primary and secondary schools and young Black men in higher education.

While the participants at the roundtable offered many different solutions to reduce the current disparities facing Black boys and men, a shared idea was the need to focus on providing role models. The panelists specifically addressed the need for, and the impact of, providing Black male role models within the educational system, and how the underrepresentation of Black men has negatively impacted Black boys. On the national level, the educator workforce is overwhelmingly white – elementary and secondary educators are 82 percent white in U.S. public schools.<sup>444</sup> Additionally, only 20 percent of public school principals were individuals of color.<sup>445</sup> By comparison, Black men only constitute roughly 2 percent of public-school teachers.<sup>446</sup> This statistic is important because Black teachers have a large documented positive impact on Black boys, specifically in terms of drop-out rates, graduation rates, and levels of engagement. For example, one study found that Black boys from low-income families who had at least one Black teacher in third to fifth grades were 39 percent less likely to drop out of high school than those who never had a Black teacher in primary school.<sup>447</sup> Additionally, the same study found that for Black students who had exposure to at least one Black teacher in third to fifth grades increased Black boys' probability of attending college by 29 percent.<sup>448</sup> Gregory Hutchings, Jr., Superintendent for the Alexandria City Public Schools offered three key areas to aid Black boys in the education system: ensuring that Black boys have role models and see representation at every level (i.e., teachers through leadership ranks), ensuring that Black men are employed throughout primary, secondary, and higher education, and ensuring that Black men are involved in developing the curriculum that is taught in public schools. Hutchings posits this last point is important because it will ensure that Black boys are being taught Black history and the many contributions from Black Americans that preceded them.<sup>449</sup> Moreover, to recruit more Black male teachers also means considering strategies for incentivizing Black male teachers who enter the profession to remain in the profession.<sup>450</sup>

Roundtable participants also discussed the disproportionate share of disciplinary actions faced by Black boys in public schools, as well as disparities in academic achievement. According to data from the U.S. Department of Education Office for Civil Rights, rates of suspension and expulsion, by race/ethnicity Black students represent 16 percent of the student population, but 32-42 percent of students suspended or expelled.<sup>451</sup> Raymond Hart, Executive Director, Council of the Great City Schools, explained that, in part, disproportionate disciplinary rates are the result of how society criminalizes youth behavior. Specifically, criminalizing young Black men in ways that we do not for white youth or other young people of color.<sup>452</sup>

Access to gifted and talented programs in primary school often becomes one of the first barriers to educational opportunities for students of color. Additionally, Advanced Placement (AP) classes in high school help prepare students for college-level coursework, increases students' chances for college admission, and affects students' future success. Further, access to AP classes presents one of the strongest predictors of college success.<sup>453</sup> In 2022, researchers conducted a national survey of students' access to gifted and talented programs in elementary schools and found that in 36 of the 37 states surveyed, Black students are underrepresented in gifted and talented programs. In 22 of the 37 states, schools that have the highest enrollment of Black students do not have a fair share of students enrolled in gifted and talented programs.<sup>454</sup> Additionally, in 40 out of the 41 surveyed states, Black students were disproportionately denied access to AP courses in high school across schools that offered those courses.<sup>455</sup>

## Education Continued

Some possible strategies to mitigate these disparities include providing additional resources to support students, providing support services to young men in the community and in schools, hiring behavioral support counselors and support specialists, and working with law enforcement to decriminalize youth behavior to break the connections with the criminal justice system. For example, Hart told the Commission that the Dallas Independent School District has implemented an initiative to break the school-to-prison pipeline. The school district, similar to many across the nation, had disproportionate rates of suspension for Black boys compared to their similarly aged peers. To address these rates, the superintendent established “reset centers” that are places where a child can be sent to deescalate, calm down, and deal with the issues and trauma that triggered the disruptive behavior instead of simply being suspended. These centers employ counselors that assist the student to address the issue that is affecting them, and then return to the classroom. Over 90 percent of the students who were sent to a reset center were able to return to the classroom the same day and did not need to be removed from the school, which keeps them from missing out on important learning time. As a result, the school district has witnessed a significant decline in the number of suspensions for all youth, and in particular, for African American youths.<sup>456</sup>

Another recommendation for preventing and/or reducing negative outcomes for Black boys and men included a discussion on the need to increase the number of Black boys who are involved in STEM courses. Data from the National Science Foundation found that the percentage of bachelor’s degrees in science awarded to Black graduates stagnated at 9 percent from 2001 to 2016.<sup>457</sup> More troubling, degrees for this group in engineering declined from 5 percent to 4 percent; and in math, it dropped from 7 percent to 4 percent.<sup>458</sup> More recent Pew data show that in 2018, Black students earned 7 percent of STEM bachelor’s degrees.<sup>459</sup> In light of these data, Robert Simmons, Head of Social Impact and STEM programs for the Micron Foundation, told the Commission that one way to increase this percentage is to support after-school STEM programs which would consist of partnerships between these programs and school districts and increased federal funds.<sup>460</sup> Further, he stated that “we cannot start STEM education at 9th and 10th grade. You must start it in pre-K. So, we must invest resources to ensure that pre-K is free in our public school system for young folks that we believe, and we know have the ability, the brilliance, and the genius to excel in science, technology, engineering, and mathematics.”<sup>461</sup> Additionally, teacher training needs to ensure that teachers are capable to teach STEM and preparatory programs, and also teach these courses in a culturally relevant and sustainable way in all schools throughout the nation. Lastly, advocates need to work with corporations to ensure that they are committed to diversifying their workforce.



## Criminal Justice

At the April 2022 roundtable, there were myriad issues pertaining to justice and civil rights discussed. Specifically, participants addressed the disproportionate amount of hate crimes committed against Black men, the civil rights abuses committed against incarcerated Black men, the potential for discrimination by artificial intelligence in sentencing, rehabilitation of the formerly incarcerated, discriminatory sentencing practices and the school-to-prison pipeline.

As the materials presented in Section II of this report regarding data about the criminal justice system, any involvement with the justice system has widespread, and often devastating effects, for individuals, communities, and society at large. Some specific statistics that informed the roundtable's conversation were:

- Black youth accounted for 15 percent of all U.S. youth yet accounted for 35 percent of juvenile arrests in 2001.<sup>462</sup>
- Young Black men were 50 percent more likely to be detained pretrial than White defendants.<sup>463</sup>
- Federal prosecutors are twice as likely to charge Black defendants with offenses that carry a mandatory minimum sentence than similarly situated White defendants.<sup>464</sup>
- Black inmates were 30 percent more likely to get a "disciplinary ticket" than white inmates. Black inmates were also 65 percent more likely to be sent to solitary confinement, where they are held in a cell 23 hours a day.<sup>465</sup>

At the April roundtable, Commissioner Kristen Clarke explained that Black men are overrepresented in the country's penal institutions by a factor of five compared to White men. Additionally, the Department of Justice has opened several investigations regarding civil rights violations in state penitentiaries. One of the investigations was in Georgia, where Black inmates are almost double the percentage of the Black population in the state, the Civil Rights Office found issues that included prisoner-on-prisoner violence, and severe staff storage, among many other violations.<sup>466</sup> Similarly, in 2022, the Department of Justice also opened an investigation into Parchman, which is Mississippi's oldest state penitentiary. Clarke told participants that the investigation uncovered civil rights violations under the Eighth and Fourteenth Amendment. As with many jails and prisons throughout the country, Black inmates are overrepresented in the prison population. Black Mississippians make up 70 percent of Parchman's incarcerated population despite only making up 37 percent of the state's population. Clarke told the Commission that "the conditions at Parchman are so dire that they resulted in twelve suicides and 10 homicides since 2019. We found inadequate mental health treatment, inadequate suicide prevention measures, overreliance on solitary confinement, and more."<sup>467</sup>

As discussed in the Criminal Justice Subcommittee section of this report, data show that Black men are disproportionately represented in jails and prisons across that nation which is a direct result of many inequitable treatment of this institution such as of the War on Drugs, harsh sentencing guidelines, and the lack of rehabilitative efforts. For example, Commission Calvin Johnson explained that "people of color have been historically targeted by discriminatory sentencing practices, resulting in Black men receiving sentences that are 13.1 percent longer than sentences imposed on White men for the same offense."<sup>468</sup>

## Criminal Justice Continued

Participants also discussed that to understand the disproportionate rates of Black boys and men's involvement in the criminal justice system necessitates an examination of the intersections and connections with other social institutions. Commissioner Horsford explained that "Black men and boys are affected by the criminal justice system that start in education, and housing, and healthcare, in access to employment, and jobs. And these contributing elements, and lack of opportunity, and how people are perceived in the public [ ] is all of what we are trying to confront on this issue."<sup>469</sup>

Dr. Raymond Hart stated that to curb issues like the school-to-prison pipeline and decrease young Black men's involvement with the criminal justice system there needs to be a shift in the narrative and perception about youth behavior.<sup>470</sup> He recalled a particular incident at a mall in New York where two young men – one Black and one White – got into an altercation. A video that was released on social media showed:

“ *The White male was asked to sit politely on the couch and the Black male was pinned to the floor and handcuffed. So it is that narrative. It is the perception that we have of our young men who are young men of color. It is that even just walking up to them at the mall, we perceive them as different. We need to work on those perceptions.*<sup>471</sup> ”

Hart concluded by stating that:

“ *Rather than criminalizing the behavior of our young people, we need to make additional resources on the consequences of the behaviors that we observed. We criminalize the behaviors of young people, particularly the behavior of young black men, in ways that we don't for other young people of color.*<sup>472</sup> ”

## Criminal Justice Continued

Additionally, Desmond Meade, Founder of the Florida Rights Restoration Coalition, explained that the problem is not only the number of Black boys and men entering the criminal justice system, but also, the high recidivism rates that continue to plague this community. Criminal justice scholars have referred to this as the “revolving prison door” which essentially creates a self-perpetuating prison population, as many formerly incarcerated individuals find themselves right back in prison.<sup>473</sup> This is driven by many factors such as stringent post-release supervision requirements (e.g., probation, parole), as well as being denied basic civil rights. For instance, a 2011 study in Florida found that about 40,000 individuals that leave prison, about a third end up returning (33.1 percent). However, when the researchers looked at individuals whose civil rights were restored, e.g., regained the ability to vote, ability to obtain an occupational license, further their education – there was a reduction in the recidivism rate from 33.1 percent to 11.4 percent.<sup>474</sup> Meade stresses that the data are clear, “the earlier an individual receives assistance reintegrating back into their community, the least likely they are to commit another offense.”<sup>475</sup> Commissioner Joseph Marshall, Jr. told the Commission that:



*One thing about prison is that it is more about punishment than rehabilitation. I know that something needs to be done about preparing men to enter back into society and this needs to be done intentionally. Often what I see in working with men who get out is that they are not prepared to get out.*<sup>476</sup>



High recidivism rates are also correlated with stigmatization. The same study found that there was a correlation “between calling someone an offender, or felon, or convict to prison return rates. So that’s why organizations throughout this country have been fighting so hard to change what people who have been in prison are now being labeled.”<sup>477</sup> This stigmatization and ostracization of individuals who were formerly incarcerated have widespread and often devastating effects, some of which will be discussed further below in the other sub-topic areas.

## Health and Healthcare

The April 2022 roundtable also discussed health disparities of Black men and boys. The discussion surrounding health primarily focused on the mental health of Black boys and men, and specifically the rates of Post-Traumatic Stress Disorder (PTSD) impacting the community. The roundtable participants discussed both the reasons and impacts of the prevalence of PTSD within the community and found it to be a major inhibitor in the advancement of Black boys and men. For instance, data suggest that Black men show that approximately 62 percent have directly experienced a traumatic event in their lifetime, 72 percent witnessed a traumatic event, and 59 percent have learned about a traumatic event that involved a friend or family member.<sup>478</sup> Traumatic event is defined as having been exposure to actual or threatened death, serious injury, or sexual violence in the following ways:

- (1) Directly experiencing the traumatic event,
- (2) witnessing in person or as it occurred to others,
- (3) learning that the event occurred to a close family member or friend, and/or
- (4) experiencing repeated or extreme exposure to aversive details of the traumatic event(s).<sup>479</sup>

## Health and Healthcare Continued

Additionally, Black men are almost 8 times more likely to have someone close to them murdered, compared to their White male counterparts.<sup>480</sup> Black men are exposed to disproportionate amounts of violence, and in response, they have developed coping strategies that are meant to protect themselves. These responses may be categorized as “hypervigilant, testy and aggressive,” which are all signs of PTSD.<sup>481</sup> Further, only 26.4 percent of Black and Latino men ages 18 to 44 who experienced daily feelings of anxiety or depression were likely to have used mental health services, compared with 45.4 percent of non-Hispanic White men with the same feelings. As such, data suggest that 56-74 percent of Black men who are exposed to traumatic events may suffer from unmet mental health needs.<sup>482</sup> In part, the lack of seeking mental health services may be correlated to the fact that Black psychologists only make up 4 percent of the doctoral-level psychology workforce.<sup>483</sup>

As with other sub-areas, issues and disparities in health and health outcomes does not exist in a vacuum and impacts other social institutions. At the Commission’s July 2022 roundtable, Commissioner and U.S. Representative Lucy McBath (D-GA, 6th District) clearly stated connection:



*A person’s health impacts their level of educational attainment. A person’s health impacts their economic ability or mobility, a person’s health is impacted or impacts their connection to the criminal justice system. Health is a thread across all of these different areas.<sup>484</sup>*



Similarly, at the Commission’s April 2022 roundtable, Executive Director for the Great City Schools, Raymond Hart explained that the lack of access to proper healthcare has widespread effects on students and their academic success. For example, many communities of color exist in “health deserts” and many schools are also in health deserts which severely limits students’ and their families’ access to necessary services.<sup>485</sup> Moreover, this means that many students cannot access education because they cannot get adequate healthcare, and this became particularly apparent during the COVID-19 pandemic. Hart explained that in Washington, D.C. for children between 5 and 17 years old when vaccines became available for these age groups, there were significantly more vaccines in the affluent wards of the city and the rates in these areas were between 65-75 percent. By comparison, in wards that are majority Black, the vaccination rates were about 20-25 percent.<sup>486</sup> These disparities could be seen throughout many cities across the nation, and Hart posits that these disparities were largely due to the CDC’s quarantine policies regarding exposure to COVID-19. Data show that kids in predominately Black communities were quarantined for longer periods of time because they did not have access to the same healthcare as their peers. Once they received the vaccine, quarantine times halved – from 10 days to 5 days. These days equated to missed school and missed instruction was significantly higher for Black students. Hart stated that this:



*Is just one example, but that example plays out as it relates to health, mental health, trauma, and PTSD, and other challenges that our students face when they come to school every day. So, lifting the health supports that our kids need is vital to keeping them in school. And then also in trying to prevent some of these outcomes that we see later in life.<sup>487</sup>*



## Housing

Another theme that was discussed in the roundtables was the important role of housing. Specifically, the participants discussed a 2014 report from the Department of Housing and Urban Development (HUD), “Gender Neighborhood Context and Youth Development,” which documented changes in health and circumstances for families that were moved from “low poverty areas” to private housing or private market rentals with lower poverty rates.<sup>488</sup> The study found that “boys struggle significantly more than girls to adjust to any type of neighborhood change, and can engage in violence, and criminal behavior as a response to their unfamiliar environment.”<sup>489</sup> The study also found that housing interventions have a disproportionate impact on children, specifically on their academic achievements and mental health.

Additional data regarding the role of housing shows that Black men have the highest probability of homelessness; and in 2020, roughly 42.7 percent of Black households with children were housing insecure.<sup>490</sup> Further, housing instability has serious negative impacts on children, regardless of race. Urban Institute researchers found that “children experiencing housing instability demonstrate worse academic and social outcomes than their peers, including lower vocabulary skills, grade retention, increased high school dropout rates, and lower adult educational attainment.”<sup>491</sup>

In light of these discussions, panelists discussed possible solutions to help mitigate these disparities. Some of these strategies included having service coordinators in public housing projects that can serve as a place for residents to go, be accessed, and be connected to services. These coordinators can also work with residents to develop strategies and connect them to a “broader ecosystem of services within the community.”<sup>492</sup> Additionally, residents can also be set up with community health workers who can conduct outreach to families and collaborate with residents to connect them to needed health services, especially for children. According to Commissioner Calvin Johnson, Deputy Assistant Secretary for HUD told the Commission that in the agency’s 2023 budget, they have appropriated funds to provide technical assistance for mental health services and working with housing authorities to train front-line workers to identify early mental health issues and connect families with services. Doing such, can potentially disrupt some of the connections between poverty, housing instability, and the criminal justice system.

## Labor and Employment

During the July 2022 roundtable, participants also discussed the state of the economy and the issue of joblessness. In a report released by the Center for Economic Policy, researchers estimated that joblessness among Black men costs the American economy about \$50 billion a year.<sup>493</sup> This estimate only highlights the disparity in the employment gap for Black men, which has increased over the past 20 years. However, the ability of Black men to secure stable employment is not new. For example, in 1935, Congress passed legislation to help the economy recover after the 1929 Stock Market Crash and one of those pieces of legislation was Social Security. Congressman Jim Clyburn explained that:



*It's kind of interesting that Social Security was called one of the biggest anti-poverty programs ever, except that Social Security left certain job classifications uncovered. Among them were domestic workers. Farm workers were [also] not covered. 65 percent of all African Americans living in this country at that time were employed in those two areas, so 65 percent of African Americans from the 1930s were not covered by the recovery efforts that were put together.*<sup>494</sup>

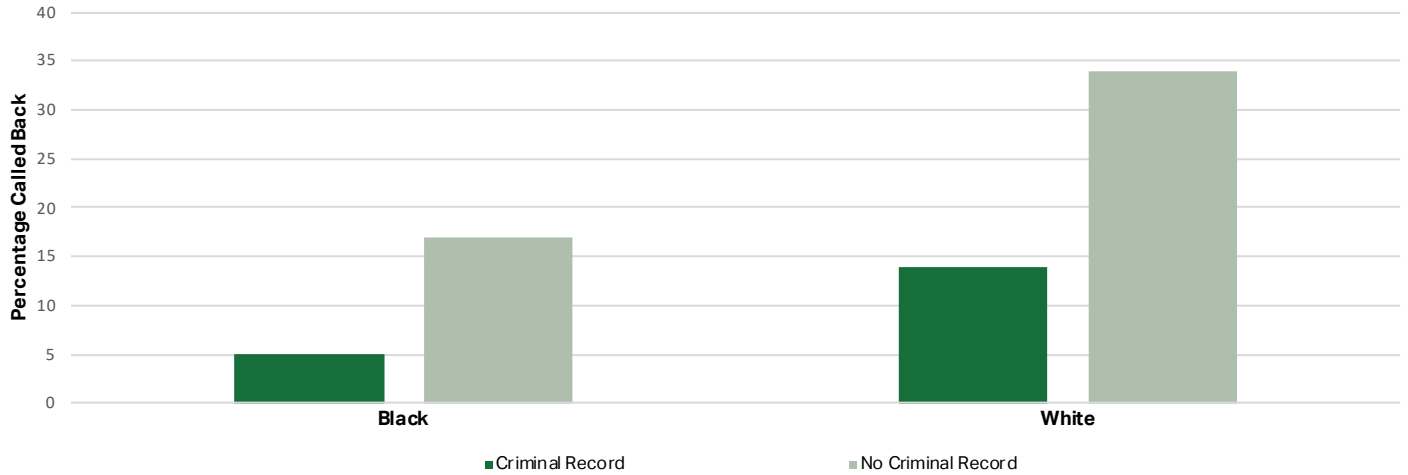


Similarly, after World War II, a significant piece of legislation that was intended to help returning soldiers return to civilian life was the G.I. Bill. This bill was meant to provide veterans with resources to purchase homes and get an education. Congressman Clyburn told the Commission that “it just so happens that of the first 3,000 people who got the benefit of the G.I. Bill, only two, not two percent, went to African Americans. So, to stabilize their communities with new homes, to get an education, in order to prepare their children, it was closed to them.”<sup>495</sup> While this bill was race-neutral on its face, in practice, data show that there were significant disparities based on race. For instance, one study showed that the G.I. Bill provided generous student aid and had the possibility of reducing some of the Black-White educational gaps and subsequent economic outcomes. One study found that for men in the South, the G.I. Bill exacerbated rather than narrowed the economic and educational differences between Black and White men.<sup>496</sup>

Similar to the other four sub-areas, participants discussed how the labor market and access to employment are affected by the many different social institutions such as education, housing, the criminal justice system, and housing. Each of these elements contribute to the lack of opportunities that are available to Black men and boys and therefore make narrowing the employment gap even more difficult. While there were several participants who discussed the issue of joblessness for Black men, one theme that emerged was the need to create a path for re-entry for individuals who were formerly incarcerated. Participants noted that too many Black men are kept from being able to secure well-paying jobs due to the stigmatization of having a criminal record. Moreover, studies have shown that race has “powerful effects” on hiring decisions, and thus, has contributed to persistent inequality between Black and White workers. These disparities become even starker for individuals with a criminal record. In Harvard sociologist, Devah Pager’s seminal research measuring racial discrimination in hiring decisions, she found that employers are not only more likely to hire a White man over a Black man, but they are more likely to hire a White man with a felony conviction over a Black man with no criminal record (see chart 1 below).<sup>497</sup> Pager explained that these findings suggest “that being Black in American today is essentially like having a felony conviction in terms of one’s chances of finding employment.”<sup>498</sup>

## Labor and Employment Continued

**Chart 1: Likelihood Of Employer Callback**



Source: Devah Pager, "The Mark of a Criminal Record," *American Journal of Sociology*, vol. 108, no. 5, Mar. 2003.

As this report has documented, Black men are disproportionately represented among those incarcerated and as these numbers have continued to grow, the employment gap between Black and White workers has also continued to grow. Therefore, this Commission seeks to address strategies on how to divert Black boys and men from initially getting involved in the criminal justice system and help reduce the stigma of a criminal record that hinders too many from accessing good-paying jobs. Some of the proposed solutions brought up by roundtable participants focused on the need for job training, investing in Black communities, investing in community colleges, creating more jobs, and developing career pathways.

- <sup>442</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemedi-a-advisory.pdf>.
- <sup>443</sup> U.S. Commission on Civil Rights, *Virtual Roundtable Discussion on Preventive Strategies to Mitigate the Social Disparities of Black Men in America*, July 8, 2022, <https://www.usccr.gov/meetings/2022/07-08-virtual-roundtable-discussion-preventative-strategies-mitigate-social/>.
- <sup>444</sup> Department of Education. "The State of Racial Diversity In The Educator Workforce." <https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf>.
- <sup>445</sup> Department of Education, "The State of Racial Diversity In The Educator Workforce." <https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf>.
- <sup>446</sup> Ed Week, "What Black Men Need From Schools to Stay in the Teaching Profession," May 2021, <https://www.edweek.org/leadership/what-black-men-need-from-schools-to-stay-in-the-teaching-profession/2021/05/>.
- <sup>447</sup> Seth Gershenson, Cassandra M D Hart, Constance A Lindsay, and Nicholas W Papageorge. "The Long-Run Impacts of Same-Race Teachers," 2017, 65. <https://docs.iza.org/dp10630.pdf>.
- <sup>448</sup> *Ibid.*
- <sup>449</sup> U.S. Commission on Civil Rights, *Virtual Roundtable Discussion on Preventive Strategies to Mitigate the Social Disparities of Black Men in America*, July 8, 2022, pp.19-20, <https://www.usccr.gov/meetings/2022/07-08-virtual-roundtable-discussion-preventative-strategies-mitigate-social/>.
- <sup>450</sup> *Ibid.*, 35.
- <sup>451</sup> U.S. Department of Education Office for Civil Rights 1 Civil Rights Data Collection: Data Snapshot (School Discipline) March 21, 2014
- <sup>452</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, p. 40, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemedi-a-advisory.pdf>.
- <sup>453</sup> Ed Trust, "Advanced Coursework in Your State." *The Education Trust*, <https://edtrust.org/resource/advanced-coursework-tool/>.
- <sup>454</sup> *Ibid.*
- <sup>455</sup> *Ibid.*
- <sup>456</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, p. 43, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemedi-a-advisory.pdf>.
- <sup>457</sup> National Science Foundation, "Field of degree: Minorities," <https://nces.nsf.gov/pubs/nsf19304/digest/field-of-degree-minorities/>.
- <sup>458</sup> *Ibid.*
- <sup>459</sup> Pew Research Center, "STEM Jobs See Uneven Progress in Increasing Gender, Racial, and Ethnic Diversity," Apr. 1, 2021, [https://www.pewresearch.org/science/wp-content/uploads/sites/16/2021/03/PS\\_2021.04.01\\_diversity-in-STEM\\_REPORT.pdf](https://www.pewresearch.org/science/wp-content/uploads/sites/16/2021/03/PS_2021.04.01_diversity-in-STEM_REPORT.pdf).
- <sup>460</sup> U.S. Commission on Civil Rights, *Virtual Roundtable Discussion on Preventive Strategies to Mitigate the Social Disparities of Black Men in America*, July 8, 2022, p. 34, <https://www.usccr.gov/meetings/2022/07-08-virtual-roundtable-discussion-preventative-strategies-mitigate-social/>.
- <sup>461</sup> U.S. Commission on Civil Rights, *Virtual Roundtable Discussion on Preventive Strategies to Mitigate the Social Disparities of Black Men in America*, July 8, 2022, p. 36, <https://www.usccr.gov/meetings/2022/07-08-virtual-roundtable-discussion-preventative-strategies-mitigate-social/>.
- <sup>462</sup> The Sentencing Project. "Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System." Accessed August 3, 2022. <https://www.sentencingproject.org/reports/report-to-the-united-nations-on-racial-disparities-in-the-u-s-criminal-justice-system/>.
- <sup>463</sup> Prison Policy Initiative, "How Race Impacts Who Is Detained Pretrial," [https://www.prisonpolicy.org/blog/2019/10/09/pretrial\\_race/](https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/).
- <sup>464</sup> *Ibid.*
- <sup>465</sup> Michael Schwartz, Michael Winerip, and Robert Gebeloff, "The Scourge of Racial Bias in New York State's Prisons," *New York Times*, Dec. 3, 2016, <https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-bias.html>.
- <sup>466</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemedi-a-advisory.pdf>.
- <sup>467</sup> *Ibid.*
- <sup>468</sup> *Ibid.*



<sup>469</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, p. 57, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemediadvocatory.pdf>.

<sup>470</sup> *Ibid.*

<sup>471</sup> *Ibid.*

<sup>472</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemediadvocatory.pdf>.

<sup>473</sup> See e.g., David Harding, Jeffrey Morenoff, Anh Nguyen, and Shawn Bushway, "Short- and long-term effects of imprisonment on future felony convictions and prison admissions," *Proceedings of the National Academy of Sciences*, vol. 114, no. 42, Oct. 4, 2017, <https://www.pnas.org/doi/abs/10.1073/pnas.1701544114>.

<sup>474</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, p. 61, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemediadvocatory.pdf>.

<sup>475</sup> *Ibid.*

<sup>476</sup> *Ibid.*

<sup>477</sup> *Ibid.*, 62.

<sup>478</sup> Robert Motley and Andrae Banks, "Black Males, Trauma, and Mental Health Service Use: A Systematic Review." *Perspectives on Social Work: The Journal of the Doctoral Students of the University of Houston Graduate School of Social Work*, vol. 14, no. 1 (2018): 4–19. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6292675/>.

<sup>479</sup> *Ibid.*

<sup>480</sup> Gilbert Singletary, "Beyond PTSD: Black Male Fragility in the Context of Trauma," *Journal of Aggression, Maltreatment & Trauma*, vol. 29, no. 5, <https://www.tandfonline.com/doi/abs/10.1080/10926771.2019.1600091?cookieSet=1&journalCode=wamt20>.

<sup>481</sup> Adam Harris, "The Burden of Being 'On Point.'" *The Atlantic*, April 26, 2021. <https://www.theatlantic.com/politics/archive/2021/04/black-boys-trauma-misunderstood-behavior/618684/>.

<sup>482</sup> Robert Motley and Andrae Banks, "Black Males, Trauma, and Mental Health Service Use: A Systematic Review." *Perspectives on Social Work: The Journal of the Doctoral Students of the University of Houston Graduate School of Social Work* 14, no. 1 (2018): 4–19, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6292675/>.

<sup>483</sup> *Ibid.*

<sup>484</sup> U.S. Commission on Civil Rights, *Virtual Roundtable Discussion on Preventive Strategies to Mitigate the Social Disparities of Black Men in America*, July 8, 2022, pp. 91, <https://www.usccr.gov/meetings/2022/07-08-virtual-roundtable-discussion-preventative-strategies-mitigate-social/>.

<sup>485</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, pp. 64–65, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemediadvocatory.pdf>.

<sup>486</sup> *Ibid.*, 65.

<sup>487</sup> *Ibid.*, 66.

<sup>488</sup> The study was conducted in five cities: Baltimore, Boston, Chicago, Los Angeles, and New York. Eligible families had to live in public housing projects where the poverty rate was 40 percent or higher. There were 46,000 eligible families in the study.

<sup>489</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, p. 46, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemediadvocatory.pdf>.

<sup>490</sup> Center for Economic and Policy Research, "Housing Insecurity by Race and Place During the Pandemic," <https://cepr.net/report/housing-insecurity-by-race-and-place-during-the-pandemic/>.

<sup>491</sup> Urban Institute, "COVID-19's Disproportionate Effects on Children of Color Will Challenge the Next Generation," Aug. 17, 2020, <https://www.urban.org/urban-wire/covid-19s-disproportionate-effects-children-color-will-challenge-next-generation/>.

<sup>492</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, p. 51, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemediadvocatory.pdf>.

<sup>493</sup> U.S. Commission on Civil Rights, *Virtual Roundtable Discussion on Preventive Strategies to Mitigate the Social Disparities of Black Men in America*, July 8, 2022, <https://www.usccr.gov/meetings/2022/07-08-virtual-roundtable-discussion-preventative-strategies-mitigate-social/>.

<sup>494</sup> U.S. Commission on Civil Rights, *Commission on the Social Status of Black Men and Boys to Hold Virtual Roundtable Discussion on Criminal Justice and Quarterly Business Meeting*, Apr. 22, 2022, <https://www.usccr.gov/files/2022-04/2022april22-cssbmb-press-releasemedia-advisory.pdf>.

<sup>495</sup> *Ibid.*

<sup>496</sup> Sarah Turner and John Bound, "Closing the Gap or Widening the Divide: The Effects of the G.I. Bill and World War II on the Educational Outcomes of Black Americans," *Journal of Economic History*, vol. 63, no. 1, Mar. 2003.

<sup>497</sup> Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*, 2007.

<sup>498</sup> Devah Pager, "Race, Employment, and a Criminal Record," Stanford Center on Poverty and Inequality, Dec. 5, 2016.

# Organizational Assessment

Actively serving as the Commission on the Social Status of Black Men and Boys' first Chair, Congresswoman Frederica S. Wilson recognizes the existence of this Commission at the federal level represents the first-time federal policymakers and thought leaders have specifically focused on the two groups of Black men and boys together. Chair Wilson also recognizes the importance of planning strategically and not rushing outcomes or progress. This recognition necessitates principled vision and mission that are flexible in planning and implementation regarding how CSSBMB might accomplish its objectives in developmental stages.

The Commission's current organizational status gives special consideration to the *Organizational Assessment Report* provided by the Rockwood Company, LLC consulting group. The Rockwood Report acknowledged CSSBMB's history, mission and vision, operational challenges, and desired future state while suggesting a way forward. The report made recommendations in four areas regarding: 1) Strategy and Planning, 2) Operations and Infrastructure, 3) Communications, and 4) Budgeting.

## Strategy and Planning

The CSSBMB is in the initiating stage of building the program. In efforts to accomplish its mission objectives, the agency periodically evaluates short-term and long-term strategies and planning with sensitivity given to its current and projected resource capabilities.

In addition to its statute requirements, the CSSBMB's strategic plan going forward involves expanding on the mentoring legacy set forth by Chair Wilson. A key pillar of the Chair's approach involves "investing in activities, mentorship, and education as a form of prevention that aims to intervene prior to an individual's involvement with the criminal justice system." The Commission supports efforts of mentoring-focused organizations such as 5,000 Role Models of Excellence Project and their expansion. Also, the Commission seeks to partner with other existing reputable mentoring-focused organizations while encouraging the startup of new mentoring initiatives. Congressman Hakeem Jeffries states:



*Frederick Douglass once said it is easier to build strong children than it is to repair broken men. As we worked on legislation to create the Commission on the Social Status of Black Men and Boys through Congress, it was my hope that we could use it to begin the real process of repairing broken boys, broken men, broken families and broken communities as a result of the systemic racism that has been in the soil of America for over 400 years."*



The Commission is in the process of leveraging stakeholders, tagging other agencies, and establishing partnerships with like-missioned organizations. The Chair envisions a Board of Visitors (BoV) serving as an advisory group and partners to the Commission that meets the Federal Advisory Committee Act (FACA) regulation.

## Operations and Infrastructure

The Commission's inaugural initiation stage is evolving from a reactionary phase and transitioning into an initiative-taking phase focusing on planning and vision planning stage. As part of its staffing strategy, the Commission hired Mark Spencer, Esq. as its first Director. The Commission has taken more steps to address staffing limitations by hiring Dr. Gerald K. Fosten as lead Social Scientist, Mr. Jon Jeter as Senior Writer-Editor, Mr. Aaron McCoy as Program Manager, and Ms. Monica Cooper as lead Administrative Support Specialists. The planned hiring of a media specialist to expand CSSBMB's communications capabilities represents the next step in the agency's staffing strategy.

## Communications

Another strategic planning focus transitioning the initiative-taking phase involves expanding the Commission's communications capabilities to expand media outreach capabilities that correlates internal and external engagement with staff, commissioners and the public. The commission intends to increase its media toolkit, including use of social media to increase awareness and to promote activities and events. This includes an upcoming newsletter.

## Budgeting

The Commission expects to operate and conduct its mission in uncertain budget environments and continually monitor outlays while balancing program desires for staffing, travel, and outreach due to budget limitations.

# Acknowledgements

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